TRACTS

RELATING TO IRELAND,

PRINTED FOR THE

IRISH ARCHÆOLOGICAL SOCIETY.

VOL. II.

DUBLIN:

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A

TREATICE OF IRELAND;

BY

JOHN DYMMOK.

NOW FIRST PUBLISHED,

FROM A MANUSCRIPT PRESERVED IN THE BRITISH MUSEUM;

WITH NOTES,

BY THE

REV. RICHARD BUTLER, A. B., M. R. I. A.

DUBLIN:
FOR THE IRISH ARCHÆOLOGICAL SOCIETY.
MDCCCXLII.

DUBLIN:
PRINTED AT THE UNIVERSITY PRESS,
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ADVERTISEMENT.

THE Manuscript from which this tract has been printed, is No. 1291 of the Harleian Collection, in the British Museum. It is a small quarto, on paper, written about the year 1600, and from the mistakes in Irish names it is evident that it was transcribed by some person not familiar with this country.

Of the author, John Dymmok, nothing has been ascertained, but it is probable that he was an Englishman in attendance upon Essex, when he was Lord Lieutenant of Ireland. The very interesting "Jornall Relation of the Principall Accidents which have happened in the kingdom of Ireland from the x of Maye until the ix of September, 1599" (p. 30), was evidently written by an eyewitness of most of the events recorded in it, while the "Brief Relation of the Defeat in the Corleus" (p. 44), inserted in the "Jornall," is given as the author "hard it related."

For the superintendance of the printing of the text of this "Treatice," and its collation with the original in London, the Society is indebted to Mr. J. O. Halliwell.

Mr. George Smith, of College-green, Dublin, has kindly allowed the Editor to enrich the Appendix with a curious paper, of which the Manuscript is in his possession, entitled "The Rate of Wages of the Galloglass as they be paid in Money and Victualls, rated after their own Confession before Sir Thomas Cusack and Mr. Secretary."

R. B.

ST. PATRICK'S, TRIM, *August* 22.

A TREATICE OF IRELAND.

BY

JOHN DYMMOK.

TO THE MOSTE HONORABLE KNIGHT

SIR EDMUNDE CARYE.

SIR,

I PRESENT vnto you in the sincearnes of affection these rude leaves in their fullnes of imperfection, affirminge withall that as I have deformed them (beinge abortiuelye brought forth in an other shape) so doe I likewise reteine the power to transforme my selfe into any lykeness that you shall deuise wherin I may doe you seruice, at which I reste

Moste affectioned
and deuoted
JOHN DYMMOK.

A

TREATICE OF IRELAND.

THE realme of Irelande conteineth, from the south forelande to the northe pointe called Thorach, about 300 myles, and in breadthe, from Dublin to Saint Patriks mounte and the sea beating alongst Connaught, 140 miles Irish, which are somwhat larger then our Engleshe myles.

The cuntry lyeth very low, and therefore watrish, and full of marishes, boggs, and standing pooles, even in the highest mowntaynes, which causeth the inhabitants, but specially the sojoners there, to be very subiect to rhewmes, catarrs, and flixes, for remedy whereof they drinke great quantyty of hott wynes, especially sackes, and a kinde of aqua vitæ, more dryinge, and lesse inflamynge, then that which is made in Englande.

The ayre is thicke, and nothinge soe piercynge as here in Englande.

The soile is generally fertill, but litle and badly manured, by reason of the great exactions of the lordes vpon their tenants. For the tenant dothe not holde his lands by any assurance for tearme of yeares, or lyfe, but onely *ad voluntatem domini*, so that he never buildeth, repareth or encloseth the grownde; but whensoever the lord listeth, is turned out, or departeth at his most advantage, which, besides the great want of graine to suffice that cuntrye, breadeth also a generall weakenes, for want of inhabiting and plantynge the people in places certain, beinge of themselves geven to a wanderinge and idle lyfe.

The cuntry yeeldeth great store of beeffes and porkes, excellent horses of a fine feature and wonderfull swyftnes, and are thought to be a kinde of the race of the Spanish Genetts.

There

There ar many and those very good hawkes, but yt aboundeth cheefly in fysh and fowle, some store of sheepe, but small, and those bearinge a longe course fleze, whereof the rugges are made. Great plenty of woode, except in Leinster, where for the great inconveniences finding them to be ready harboures for the Irish rebell, they have beene cutt downe.

There are also many mynes, especially iron and lead, and some copper, but of what richnes and goodnes I finde not.

The cheeffe thinge wantinge in that cuntrye is cyvillitye, and dutyfull obedience of the people to their soveraigne, which groweth partly throughe a desyre in the principall kindreds and septes to shake of all forreine obedience, and to governe accordinge to their owne lawes, which is their owne willes, partly throughe the inclination of the common sorte to wildenes, being ledd by the superiours vpon whose willes they must of force depend; but generally for lacke of execution of such good lawes as tende to the preservation of the Englishrye, in restreyninge them from marryinge, fosteringe, and allyinge with the Irish, and takinge of coynye and lyvery, which hath beene, and yet is, the only cause of weakninge the English pale, and of so many degenerate English at this present.

The people are of nature very glorious, francke, irefull, good horsemen, able to endure great paynes, delighted in warr, great hospitallitye, of religion for the most parte Papists, great gluttons, and of a sensuall and vitious lyfe, deepe dissemblers, secret in displeasure, of a crewell revenginge minde, and irreconsiliable. Of witt they are quicke and capable, kinde harted where they take, and of exceedinge love towardes their foster bretheren.

Of complexion they are cleare, and welfavored, both men and weomen, tall and corpulent bodies, and of hemselves careles and bestiall.

Theire principallitie or inheritance descendeth not to them by succession, but they atteine therevnto by election, makinge choice of one out of the principall famylies or septes, amongst whome he that hath shewed himselfe most valiant in all barbarous creweltie, shall sonest be preferred, first to be Thamist, which is lieuetenant generall, and next in succession, and is followed of the captaynes and forces of the cuntry. And this custome remayneth yet to this daye amonge the Irish, where no man is lorde of his owne any longer then he can defend yt against others.

The Government of the Irish is neither polliticke nor cyvill, but meare tyrannicall, as may appeare by their auncient lawes, as Brehon law, Coyny, Lyuery, &c.

&c. which had course there before the conquest. For the prince or lorde vse at their pleasure their tenantes, spend vpon them with their traynes, rule after their owne lustes, commaundinge all, and not to be gaynesaide by any; so that the mightiest oppresse the porest, and justice is ministred accordinge to the affection they beare to the partyes offendinge or offended.

The inhabitantes generally are of fowre sortes. English Irish, meer Irish, degenerate Englesh, and wilde Scotts.

The meer Irish, degenerate English, and Scott are growen into one faction, by reason of the devision of the English race, contynewinge till within these few yeares: by which meanes the Irishrye grew to such strength, that the Englesh, for their owne defence, were gladd to ally themselves with the Irish of contrary factions, to make them to be followed after the Irish order, and so became wholly Irish, or at the least scant good Englesh.

Theire forces consist of thre sortes, Horsemen, Galloglass, and Kerne.

The horsemen are armed with headpeeces, shirtes of mayle or jackes, a sworde, a skayne, and a speare. They ryde vyon paddes, or pillowes without styrvps, and in this differ from ours; that in joyninge with the enemy, theye beare not their staves or launces vnder arme, and so put it to the reste, but takinge yt by the midle, beare yt aboue arme, and soe encounter.

Every Horsman hath two or thre horses, and to euery horse a knave: his horse of service is allwaies led spare, and his knave, which caryeth his harness and speare, rydeth vpon the other, or els upon a hackeney.

The Galloglass ar pycked and seelected men of great and mightie bodies, crewell without compassion. The greatest force of the battell consisteth in them, chosinge rather to dye then to yeelde, so that when yt cometh to handy blowes they are quickly slayne or win the feilde. They are armed with a shert of maile, a skull, and a skeine: the weapon they most vse is a batle axe, or halberd, six foote longe, the blade whereof is somewhat like a shomakers knyfe, and without pyke; the stroake whereof is deadly where yt lighteth. And beinge thus armed, reckoninge to him a man for his harnesse bearer, and a boye to carry his provision, he is named a spare of his weapon so called, 80 of which spares make a battell of Galloglass.

The kerne is a kinde of footeman, sleightly armed with a sworde, a targett of woode, or a bow and sheafe of arrows with barbed heades, or els 3 dartes, which they cast with a wonderfull facillity and nearnes, a weapon more noysom to the enemy,

enemy, especially horsemen, then yt is deadly; within theise few yeares they have practized the muskett and callyver, and are growne good and ready shott.

Some will have the Dalonyes or horsboyes to be a fourthe sorte, for that they take them into the fight: they are the very skumme, and outcaste of the cuntrye, and not lesse serviceable in the campe for meatinge and dressinge of horses, then hurtfull to the enemy with their dartes.

THE SERUICES OF THE IRISHRIE DUE TO HER MAIESTY, THE SEVERALL EXACTIONS LEUIED BY THE IRISH LORDS UPON THEIR TENANTS, AND OF WHAT NATURE AND QUALLITYES THEY BE.

The Irish taxes or services are of two sortes, either made vnto the queene by the gentlemen towards their defence and mayntenance of her forces in the cuntrye, as Risingeout, Bonaght, and Soren, or els by the lord upon his tenant, as Coynye, Lyuerye, Cashery, Teignie, Cuddy, Blackrents, &c.

Of the first sortes, Risingout, is a certain number of horsmen and kerne, which the Irishrie and Engleshrye are to finde in her majesties service, at euery generall hostinge, for defence of the cuntrye against any forreine enemy, or other invadors, which numbers are also to be vittelled by them for certen daies, some more, some lesse.

Bonaght is of two sortes: Bonaght bonny, and Bonaght beg.

Bonaght bonny is a certen payment or allowance made vnto her Maiesties Galloglasse, or Kerne, by the Irishry onelye, who are severally bounde to yeeld a yearely proportion of victualls and money, of their findinge, euery one accordinge to his abillitye, so that the Kerne and Galloglasse are kept all the yeare by the Irishry, and devided at tymes among them.

Bonaght beg, or litle bonagh, is a proportion of mony, ratably charged vpon every plowland, towardes the findinge of the Galloglasse.

Soren is a kinde of allowance over and above the bonaght, which the Galloglass exact vpon the pore people, by waye of spendinge monye, viz. 2*s*. 8*d*. for a daye and a night, to be devided betweene three spares, for their meat, drinke, and lodginge. And as the Bonaght is fownde by the lordes for the Queenes service, so also every particuler lorde hath a certen number for their owne defence, some more, some lesse, and are maynteyned vpon their tenants.

Of the second sorte, Coynye is as much to saye as a placinge of men and boyes upon the cuntrye, vsed by a prerogatyve of the Brehon law, whereby they

they are permitted to take meate, drinke, aqua vitæ and money of their hostes, without paye-makinge therefore. As many as keepe idle men, take yt owtragiously where they come, and by the custome of the cuntry yt was lawfull to place themselves vpon whome they would. It is the beggeringe of the cuntry and an intollerable evill without measure.

Lyvery is horsemeat, exacted for the horses of those which take coyny, or otherwyse send them to the pore tenants to be fedd. The tenant must finde the horses and boyes and geve them as much corne and sheaffe otes wheat and barley as they will have, and yf there be two or thre boyes to a horse as sometymes there be, the pore tenant must be content therewith and yet besydes rewarde the boyes with mony.

Joye is when their idle men require meat and drinke out of meale tymes, or where they take mony for their coynye of the hoste to goe a begging to their neighbour, it is as much to saye as a benevolence. The contynuance of these and other Irish exactions is the very roote and fowndacion of the rebellions which have beene from tyme to tyme in that cuntry, both for that yt geveth a meane to the lord to mainteine so many idle persons in armes to attempt any villany at his comaunde, and also for that yt draweth the obedience of the subiect from his prince, vnto the capten, and maketh the common sorte to stande in awe or know no other superiors then their Irish captaynes which thus exacte upon them.

Cashery is certeine feastes which the lorde vseth to take of his tenants after Easter, Christmas, Whitsontyde, Michaelmas and all other tymes at his pleasure; he goeth to their howses with all his trayne and idle men of his cuntrye, and leaveth them not till all they have be spent, and consumed, and holdeth on this course till he have visited all his tenants one after other.

Teignie is reare-suppers and chamber drinkinges which they bestow of their lords and other guestes in their chambers after dinner or supper. It is ever vsed by the mer Irish and English Irish wheresoever they be in the cuntrye. And so when they come to any gentlemans howse they are served before dynner or supper with a kinde of refreshing by the name of Teignie.

Blackrents (as I take yt) are in this sorte, when a murder or fellony or other trespasse is committed, the party offendinge being brought before the Lo: Brehon or Judge, is alloted to paye to the wyfe or childe of the party murdered, or to the party agreeved, a kinde of satisfaction, terned by them an Iriach: moreover the Judge awardeth to the lo: of the soyle or cuntry where any such outrag is

 comytted

comytted by way of a fyne a certeine number of kowes, or corne &c. and to himselfe a porcion for his judgment, what the lord reapeth hereby is called a blackrent; by this custom many murthers and thefts ar committed boldly and smothered without due execution of Justice.

THE PRESENT GOUERMENT OF THAT CUNTRY.

For the present gouerment of that cuntry, yt is devided into three partes, Ecclesiasticall, Martiall and Cyvill or Justiciall.

The Ecclesiasticall estate is composed of fowre Archbushoppes and 29 Bushopps, disposed into severall cuntries in every province, besydes Deanes, Suffragans and Parsons.

Archbushop of Dublin and Glandalon, Primate of Irland.	Bushop of Kildare. Bu: of Leighlin. Bu: of Ossory. Bu: of Ferne.
Archb: of Toam.	Bu: of Dua. Bu: of Alade. Bu: of Elfine. Bu: of Killmakou. Bu: of Clonfert.
Archb: of Cassell.	Bu: of Emely vnited to Cassell. Bu: of Waterford and Rismor. Bu: of Cork and Clone. Bu: of Ross. Bu: of Ardagh. Bu: of Laom alias Killalo. Bu: of Lymrik. Bu: of Fimabor.
Archb: of Armagh, Primate of all Ireland.	Bu: of Meath. Bu: of Ardakan. Bu: of Dromory. Bu: of Down and Connor. Bu: of Dere. Bu: of Rapaton. Bu: of Turbrunen. Bu: of Clohu.

The

The martiall gouerment is distributed into thre partes of that cuntrye. The lo. Deputy is lieutenant generall over the whole, assisted by two presidents for his more ease, as well in the true administracion of Justice, as for the ready repressing of such disorders as might happen in the upland cuntry; one of them placed in Munster, the other in Connaught, and both corresponde with the lo: Deputy, residing at Dublin for the moste parte.

The martiall gouerment is not of yt selfe alone, but mixed with cyvill, (vntill such tyme as the cuntrye may be reduced vnto that obedience, as Justice may haue course of yt selfe with out forces to suport yt) and the lo: Deputy assisted with a counsell of the moste choyce and scelect men for their knowledge and experience in the affayres of that cuntrye. Eche of the presidents have also a particular counsell appointed vnto them for the decydinge and determyning of matters in their chardge, and are chiefly dyrected from the lo: Deputy and counsell at Dublin as they are directed from tyme to tyme by her Maiestie and counsell in Englande.

The cyvill goverment (for that which is meere civill as where the law and Justice onely have course) is of two sortes. First the high cortes which are named the courtes of Justice, as the King's Bench, Comon Pleas, the Chancery, the Exchecequer, and the Star Chamber. For courte of wards there is none yet established theare, but the recept is chargable vpon the auditor, and their landes certefyed by the shriffes and exchetors: and these courtes are kept ordinarylie at Dublin fowre tearmes in the yeare according to the course held in England; and all causes decidable by lawe, are in these courtes, according to their severall natures and quallities, decided and determyned.

The second sorte comprehendeth in yt the pollycy and goverment of citties, townes, burrowes, and corporations. These for the moste parte stretch no further then their owne particuler prescinctes or liberties, and are chiefly busyed in ordering particuler causes betweene theire burghers, and to supply the common wants of their townes, or els how to conteine those over whome they have chardge in dutyfull obedience by punishing offenders and supporting such as lyve orderly, against the mallice and injury of the disordered sorte. Of this nature also are court Barons court Leetes and court hundreds. All these are greatly holpen by the circiuts of the principall officers of the highe courtes, which every yeare twice are to ryde in visitation about the cuntry to keepe sessions and assises, according to the manner of Englande.

OF THE DEVISION OF THAT CUNTRY.

That cuntry yet to this present reteineth that auncient dyvision as yt did before the conquest, savinge that those provinces which heretofore were divided into Cantreds and Betaghs townes euery one conteininge 960 acres of arrable lande besydes woodds, boggs, and pastures, and to euery cantred 30 betaghes townes; are now devided into severall counties and Englesh shires.

The Provinces are Leinister, Munster, Connaght, Vlster and Meathe, so called as lyinge in the midest of the cuntry, and composed of a parte of euery Province, or els for that yt conteyneth but 18 cantreds, whereas the other contein 34 and 35 apiece.

LEIMSTER.

The Province of Leimster conteyneth all that portion of lande which was first conquered by our nation, includinge all that grownde from Dublin southwarde to the ryver of Suyre and the Cytty of Waterforde, which parteth yt from Munster. The ryver of Shenin in Mac Couglians cuntry devideth the west parte from Connaght and Meath; northward yt endeth with the Barony of Balrothry and the ryver Boyne, and on the east syde is bownded with the sea. It is devided into seaven shires. The county of Dublin, Kildare, Catherlogh, Wexforde, Kilkenny, King's County and Queenes County.

They have gone about of late to add two other shires the counties of Wiclo, and Fernes; but byeause these two shires are yet vnperfett, not having sufficient freholders and gentlemen to chose shriffes and other principall officers or to make a jury for the Queene, they may be well omytted.

THE COUNTY OF DUBLIN.

The county of Dublin conteyneth all the lande from Balrothery neare the province of Meath to Arcklo, a principall castle of the earle of Ormonds, which is the length of the shire, and includeth the grownde called the Kinges landes, the mowtaines of the Obirnes, O'tooles, and Banilagh, called Pheagh Mac Hughs cuntry, also Shilogh, Ferderrogh and the crosse of the cuntry which is the liberty of the Archb: of Dublin, also his Ilandes of Lambaye, Eye and Dalky.

It bowndeth, East, on the sea; West, County Kildare; North, County Caterlogh; South East, Meath.

THE

THE COUNTY OF KILDARE.

The county of Kildare is placed betweene the counties of Dublin, Catherlogh, the Kinges and Queenes county, and Meath, yt hath not in yt many townes of importance, but dyvers proper villages which lye scattered about the cuntry.

It bowndeth, East, Dublin; West, K. and Queens County; No. Meath; So: Carlogh.

THE COUNTIE OF CATERLOGH.

This county is a long slipp of grownde lyinge for the moste parte betweene the two ryvers of the Slane and the Barrow. It conteineth dyvers baronyes anciently inhabited by the Engleshe and after gotten from them by the Cauenaghs. It hath in yt certeine highe mountaines vpon the easte parte, the rest of the cuntry is more playne, and a third parte of the whole, accounted to belong to the Erle of Ormond, and S^{ir} Edmund Butler; one Barony called Idron, belonginge to S^{ir} Dudley Bagnoll.

It bowndeth, West, on Wexforde; North, Kildare; South, Kilkenny; East, the Queene's County.

THE COUNTY OF WEXFORD.

The county of Wexford was the first cuntry where the Englesh sett footinge and conquered. This shire is the largest of any one in that Province of Leimster, and one parte thereof inhabited still with the auncient Irish, which was the cause that Sr Hen. Sidney, and Sr Will. Drury would have made two other shires within yt. The north parte should have beene called Fernes, and that to the southe neare Dublin, Wiclo; but findinge that there were not sufficient, and sewer gent. to be shriffes, nor freeholders to make a Jury for her Maiestie, yt hath beene let fall. The south parte as the more cyvill is conteined within a ryver called Pill, where the auncientest gentlemen descended of the first conqueror doe inhabite. The other without the ryver is inhabited by the originall Irish, viz. the Cavonaghs, Murroghs and Kuselighs who possesse the woddy parte of the cuntry.

It bowndeth, East, the ocean; So: County Dublin; No: river Barow; West, Caterlogh.

THE COUNTY OF KILKENNY.

This county hath the moste of cyvillity of any other the border counties, beinge

beinge well replenished with fayre castles, howses and seates, with Englesh manner of enclosinge their groundes. This cuntry thoughe yt conteine in yt both the vpper and neather Ossery, yet such mortall mislyke there is betweene them of the county of Kelkenny and Mac Gilpatrik, lo: of the vpper Ossory, that he will not suffer any tryalls of his cuntry to be made in that county, but in the Queene's county and holdeth himselfe to be a member thereof.

It bowndeth, East, river Barow; South, ryver Suyre; North, Queene's County; West, county Tipperary.

THE QUEENE'S COUNTYE.

This county conteineth in effect, all the landes betweene ye ryver Barow and Ormond, including all that which did belonge to More Odowen, vpper Ossory, and Slynarg. The soile is fruitfull and exceeding pleasant. It is watred on the one syde with the ryver Barow. The ryver Neor runneth through another parte of it. It is well sorted with woodes and playnes. This cuntry was planted by the erle of Sussex with a mixt people of Englesh and Irish, and in the tyme of Kinge Phillip and Q. Mary, gaue yt to name the Queenes county, and the cheeff towne Maryburrow. The inhabitants haue beene contynewally molested with the first inhabitors the O'Mores that yt hath in manner wasted the whole cuntrye vpon them and at this daye are growne to stronge numbers and very daungerous.

It bowndeth, East, Barrow; So: Kilkenny; No: Kings co. and mountayn Sliboam; West, Tipperary.

THE KINGE'S COUNTY.

This county beinge anneiently called Ophaly, was inhabited by the O'Connors a wicked and rebellious people, who for their sundrye treasons and rebellions, were by the erle of Sussex in the tyme of Queene Mary banished and disherited their cuntry converted to shire grounde and called the King's county, and the cheiffe towne thereof, Phillipstowne. The shire conteyneth all the grounde betweene the county of Kildare and the ryver Shenin includinge Claneboye and O'Dempsies cuntry on both sydes the Barrow, also Ballinies and Ferall which is lykewise O'Dempsies cuntry, the Shenogh or Foxes cuntrye, and Phelim Mac Couglians cuntry, to the brinke of Shenin neare Mellike. This cuntry in the beginning of her Maiesties reigne was very well quieted by a proscription of the O'Connors

O'Connors made by the erle of Kildare, who in manner wholly did extirp that race, yet of late they have increased to such numbers as they have beene able to make stronge forces in this last rebellion.

It bowndeth, East, Kildare; West, Shenin; So: Que., county; No: Meath.

ELYE.

This small terrytory or compas of grownde hath beene counted parcell of Munster, as belonginge to ye county of Tipperarye, but for that O'Carrell who is lo. of this cuntry and his ancestors would never yeeld to be of that cuntry as for that he and his father did allwaies consent to be vnder the Englesh goverment, viz. under the lieuetenant of the Kings county, and yeeldeth now by composition vnto her Maiestie £100 per ann̄ and to be ordered by the Queenes lieutē of the Kings county in all controversies so as yt is accounted parcell thereof, and so of Leimster.

It bowndeth with Ossory and a part of the Qu: county to the south; with Ormond to the west; with de la Mac Coghan to the North; and with the mowntaine Slibown to the Easte. It hath small piles of litle importance, the chiefest whereof is Limwaddon.

MEATHE.

This Province hath his name of *Medium*, the midle parte of the cuntrye, and conteyneth properlye but one shire, vnder the name of Meath, being in the beginning a porcion appointed for the Kinges demeines: But being since devyded into many Baronyes and cuntries, and now lately in the tyme of K. Hen. 8. made and devided into two shires or counties Eastmeath and Westmeath. And by cause the two other Irish cuntries, the one belonginge to the O'Reilies, the other to the O'Farrals be now converted to shire grownde by the names of the county of Cavan and of Longforde, I hold yt not amisse to laye these two counties vnto Meath, and so conteine them all fowre in this midle province, althoughe the county of Cavan be held of many to belonge to ye province of Vlster. These counties haue many goodly Loughes and meares of fresh water especially Westmeath, whereof the greater parte fall into the Shenin aboue Athlone, the rest into ye ryver Broschenagh, which also falleth into the Shenin beneath Athlone, neare Mellike. These waters make the cuntry besydes the fertillity of the soyle to abound in great store of very good fishe.

EASTEMEATH.

EASTEMEATH.

Eastmeath conteyneth all the lande betwene Balrothery in the County of Dublin and the ryver of Boyne near Droghdagh and then not far from Droghdagh extendeth yt selfe over that ryver and conteineth all the lande to the border of Cavan and to the halfe Barony of Fower, and from thence yt breadeth to the Kinges county and the countie of Kildare.

It bowndeth, East, the sea; West, Cavan; So:, King's county; No:, Louth.

WESTMEATH.

The county of Westmeath conteineth all the landes from the Redmore beyond Aboy to the ryver of Shenin, and in bredth from the Kings county to the county of Longforde comprehendinge mac Coughlan, mac Gall, and also Omylaghlins cuntrye.

It bowndeth, East and South, Kings county; North, Cavan; West, Shenin.

THE COUNTY OF LONGFORDE.

This county is a large quantity of grownde possessed by a people called O'Farralls, and was in tymes paste devided betweene two of the strongest of that name, the one which possesseth the south parte thereof is called O'Farrall Buy, which signifyeth yellow O'Faroll; the other O'Farrall Ban, which is white O'Farrall, both which sir names doe yet holde the cuntrye, so as both conjoyned togeather doe make the county of Longforde.

It bowndeth, East and South, Westmeath; West, County Letrim; North, County Cavan.

THE COUNTY OF CAVAN.

This county conteyneth all the lands called heretofore, O'Reilies cuntry alias the Breny, which beinge vnder one capten heretofore, and called the east breny, and the west breny, was devided into seaven baronies, who have their severall freeholders, no one of them dependinge on the other, but all imediatly from the Queene. They are a stronge nation able to make of their owne sirname 400 horse; they are sayd to be aunciently descended from the Ridleys of England. This cuntry conteyneth 30 miles in length and 30 in breadth.

It bowndeth, East and North, Fermanagh; West, County Letrim; South, Westmeath.

MUNSTER.

The Province of Munster conteineth all that cuntry from the ryver of Suyre, westwarde alonge the sea vnto the mouth of Shenon, and bowndeth on the east syde vpon Kilkenny on the west, and south side, the mayne ocean; and on the north syde, with the ryver of Shenin, which devideth yt from Connaght. It is the most commodious of all the other Provinces in soile, good havens, ryvers and townes. This Province accordinge to the ancient distribution is devided into three partes, Desmond, Thomond, and Ormonde; but Thomond beinge now annexed vnto the goverment of Connaght, the reste at this present is devided into fyve counties, viz. Waterford, Corke, Limrike, Typerary and Kyrrye.

THE COUNTY OF WATERFORDE.

The county of Waterford conteineth all the lande betweene the ryver Suyre which falleth into the sea beneath Waterford, and the ryver Yoghall called the great water. It includeth all the cuntry called the Denes, the Bishoprick of Rismore vnited to the sea of Waterford, Prendergast's lande, who was one in the first conquest and a moste famous capten; The white Knightes cuntry called Glangibbon.

It bowndeth, East, ye ocean; North, Yoghall; South, County Corke; West, Lymerik.

THE COUNTY OF CORK.

The county of Cork conteineth all the lande adjoyning to the sea, from the ryver of Yoghall to the baye of Dingle and the ryver of Maigne, the cuntry of Kerrywherry, Kilaloa, Barry-Roes cuntry, the Bishoprike of Ross, the cuntry or Carbrye on both sydes the leape, O'Mahons and Ordiscalls cuntry. The Bantry, OSiluian bent, OSiluian more and all Desmond; all which by alongst ye coaste. In the midle of the shire lyeth Muskry, devided betweene Sir Cormoc and Sir Dermot mac teig Clancark, allso O'Challagon, O'Heift, Mac Auly, Mac Donoho, followers of the erle of Clenear, and includeth the landes of the two vicounts Barry and Armoy.

It bowndeth, East and South, the ocean; West, mountaine Shilogher; North, Lymerik.

THE COUNTY OF LYMRIKE.

The county of Lymrike conteyneth all the lande from the mowntaines neare the Redsherd ioyning to the county of Corke, vnto the Shenin, as well above lymryche as beneath, in a manner as farr as Carigfoyle, and from the farthest parte of Mac Bryan Ogannoghs cuntry and comprehendeth in yt Glanwillim, Canolokerry, alias the knight of the vallyes cuntry, and Cosmoy.

It bowndeth, East, Typperary; West, Shilogher; South, Cork; North, Shenin.

THE COUNTY OF TIPPERARY.

This county beinge devided into two, the one the crosse of Tipperary, the other the county Pallatyne, is a large circuite of lande and hath two shriffes, that of the crosse is under the Archb: of Cossell, and hath large liberties, but not lyke the county Pallatyne belonginge to the erle of Ormond. In the crosse the Queene maketh the shriff her head officer. The Pallatyne is gouerned by seneshall Justice, a shriffe, and dyvers other meaner officers, which two countyes lye onelie by observation and custom. The whole cuntry conteineth all the landes in manner from the towne of Callane in the County of Kilkenny to Mac O'brien O'Gannoghs cuntry in the county of Lymrike, O'Mulreans cuntrey Mac Bryan Ara, O'Downies cuntry, vpper and nether Ormond, Constinagh, Cosehi, Muskry whirke, a great part of Harlow, and by auncient devision O'Carralls cuntry Elye, thoughe he disclame from yt.

It bowndeth, East, Kilkenny; So:, Lymrik; We:, Shenin: No:, Ki. County.

THE COUNTY OF KERRY.

The county of Kerry conteineth the landes which lyeth betweene the ryver of Maigne and the Shenin, and includeth the moste parte of the mowntayne Shilogher, which is the moste easterly parte of the cuntry. This cuntry was a Pallatyne to the Erle of Desmond. the lyberties and royalties whereof (he beinge a man of small discretion) caused him to grow insolent aboue measure, forbidding the lord President and counsell of the Province to have any dealinges in his jurisdiction, which was the very originall grownde and cause of his rebellion and overthrow.

It bowndeth, West, ye Sea; East, Corke; No:, Shennin; So:, River Maigne.

CONNAGHT.

This Province hath been otherwise devided then now it is, by reason the O'Reilies cuntrye (now county of Cavan) and O'Faralls cuntry (now the county of Longford) were held parcell of yt and Thomond or the county of Clare was accounted of Munster. The word Thomond signifieth north Munster, and was in the commission of the presidents of Munster in S^r. Warham Sentligers, S^r. John Perotts, and S^r. Will. Druries tyme. But S^r. Hen. Sidney consideringe the notable bownde yt hath from the rest of Munster, did establish yt under the goverment of Connaght, as yt is at this present. The Province conteineth all the lands circuited with the great ocean, betweene the ryver of Erne nere Asserow in O'Donells cuntry, and the ryver of Shenin where yt falleth into the sea, beneath Lymryke. It is in manner an Iland, byeause to the north and the west, yt hath the sea, to the south and easte the Shenin, and to the northeast the loughe and ryver of Erne, onely one small slipp of grounde betweene the Shenin and the Erne leaveth that parte vninclosed. It is devided at this present into sixe countyes. Clare, Sligo, Mayo, Gallwaye, Roscommon and Letrim.

THE COUNTY OF CLARE.

This county of Clare alias Thomond beareth ye name of the Castle of Clare now belonginge to the erle of Thomond. It conteineth 6 baronyes and hath in yt 2 small bishoprickes, Kilmakoa and Killaloa, the one vnder the archb: of Cassell, the other vnder the archbp. of Toam.

It bowndeth, East and North, Shenin; West, the Sea; South, Gallway.

THE COUNTY OF SLIGO.

Sligo conteyneth all the grounde betweene ye ryver of Erne and the playnes of Connaght by the skirtts of the Mowntaynes of Benbulham and Corleus to the ryver and lough of Boyle in Mac Dermons cuntry, and from thence northeast by the ryver of [*defective in MS.*] which devideth the county Mayo from the county of Sligo.

It bowndeth, West, Mayo; East, the Earn; Nor:, the Ocean; So:, county Roscommon.

THE COUNTY OF MAYO.

This county conteineth all the lands and cuntrye of Mac Willim Eryter, and the landes of the O'Mayles, Mac Donnell, Mac Morrice, Mac Jordan, Mac Gustelo. This country hath certaine Ilandes both fertill and commodious for fishinges, for which purpose both Englesh marchaunts and strangers have great entercourse and traffieke there.

It bowndeth, East, County Sligo; West and North, ye Ocean; South, Gallway.

THE COUNTY OF GALLWAYE.

This countye conteineth a great quantitie of lande, lying in manner square, betweene Mayo and Thomond. It hath heretofore had many ancient noblemen descended of English ancestors, but by the revolucion of tyme, duringe the cyvill dissentions in England, they turned into wilde Irish, and with their manners they have also changed their names. The 2 principall byshoprikes of Connaught lye within this county the archb: of Toam, and the bush: of Clonfert. The thre Islands of Arran are counted parcell of this county and lye within a kennynge of Gallway town.

It bowndeth, East, Shenin; West, the sea; North, Mayo; South, Clare.

THE COUNTY OF ROSCOMMON.

The county of Roscommon conteyneth all the playnes of Connaght, beginning at Munster Boyle neare the mountaynes of Corleus, and stretcheth alonge by the Shenin to the ryver of Suce. This cuntry is under the diocesse of the Bushopp of Elfine.

It bowndeth, East, Shenin; West, Mayo; North, Gallway; South, Sligo.

THE COUNTY OF LETRIM.

This county conteineth all O'Rurkes cuntry called the breny O'Rurke, also yt conteineth parte of Mac Guynies landes lying vpon the west syde of the loughe Erne, and Mac Glanes cuntry lyinge on Bondroies. It hath no other principall person inhabitinge there but O'Rurk and other of his name and freholders wholly depending upon him. O'Rurk and O'Connor Dun of the county of Roscommon, haue in their severall antiquities beene kings of Irelande.

lande. Therefore they reteininge the memory of their former greatnes, doe aspire and conspire with all lewd disposed persons, O'Rurke hath beene allwayes a reteyner of Scotts in all rebellions. It hath in yt no townes or castles of any worth but onely Leitrim.

It bowndeth, North, county Sligo; West, Shenin; South, county Longford; East, county Cavan.

VLSTER.

The Province of Vlster lyeth in the farthest north parte of Irelande. It is devided from Meath by the ryver Boyne on the southe east parte, with the Breny which is O'Reilies cuntry on the south part, and southwest parte it bowndeth vpon Connaght, namely vpon O'Rurks cuntry and O'Connor Sligo. The rest is altogeather environed with the sea and conteineth in it 9 countyes. Louthe, Downe, Antrim, Monahan, Fermanagh, Tyrone, Dunegall, Colvan, and Armagh. Some attribute the county of Cavan for a tenth.

THE COUNTY OF LOUTH.

This county beinge anciently called Iriell, lyeth betweene the ryver of Boyne and the haven of Carlingforde; this county hath the moste daungerous borderers and neighbors of any county, for it lyeth on the Mac Mahons in the county of Monahan, vpon the O'Neiles of the Teenes and O'Hanlons of the county of Armagh. By meanes of whose incursions the cuntry nearest vnto them lyeth waste. It is part of the English pale and beareth in all contributions and cesses a part with the rest of the provinces.

It bowndeth, East, the sea; West, the Breny; Nor:, Armagh; Sou:, Meath.

THE COUNTY OF DOWNE.

This cuntry conteineth all the landes betweene the haven of Carlingford to the Bay of Knockfergus, viz. Litle Ards which lyeth on the north syde of the ryver of Strangford, it is a fertill champion cuntry of the inheritance of the lo: Savadge. Great Ards, belonginge to con mac Neile og. South clancboy which reacheth from the Duffrin to the ryver of Knockfergus Kilulto, lyinge vpon lough Eaghe and Cranbraselo. Before the Barons warrs in England yt was well inhabited by Englesh, and there still remayneth an olde decayed castle bearing the name of one Sr. Nicholas Tracy. Killwarlen which is mac Roris cuntry,

cuntry, the Duffrin which in times paste was the inheritance of the Mandevilles, and now belonging to the Whites, Neromy also Newry, and Maurice Eagh, both the inheritance of S^r. Hen: Bagnall whose father S^r. Niclas at his cominge thither fownde yt waste and Shane O'Neill dwelling within halfe a myle, robbyng and spoylinge so as no man could travell safely; he builded the Newry through which the country was brought to more cyvillity. Maurice Eaugh was then governed by S^r. Hugh mac Guinies who was brought by S^r. Nic: Bagnoll from being O'Neiles Bonaght, to take his landes to him and to his heires males from her Maiestie and to depend onely vpon her so as in this place of Vlster onely, the rude manner of Thomiship was taken awaye. He is of late revolted and at this present in Rebellion.

It bowndeth, East, the sea; West, Armagh; Nor:, Lough eaugh; Sou:, Carlingford.

THE COUNTY OF ANTRIM.

This cuntry comprehendeth all the land betweene the baye of Knockfergus and the ryver of Ban conteyninge North Clanneboy, the Route, the Glynnes, Iland Maggi and Bryan mac Carraughs cuntrye North Clanneboy is devided into two partes; the ryver of Kellis being the meare bownde. The south parte thereof was geven for a rent to the sonnes of Brian Mac Phelim O'Neile who were all pencioners in Ireland to her Maiestie and the eldest Shane mac Bryan yet livinge was cheeffe. The north part beyond Kellis to the ryver of Ban, by loughe Eaugh was assigned to the sonnes of Hugh mac Phelim elder brother to S^r. Bryan whose eldest sonne and cheife of that parte is Hugh Og mac Hugh.

The Route is properly the inheritance of one Mac Willi descended from a Welsh ancestor in the tyme of the first conquest. This cuntry is pleasant and fertill. The Scotts were once banished, but since these late rebellions permitted agayne so as the ancient inhabitors being ye O'Harries and the O'Guines pay servises and rent to the Scotts and depend of them, of which Surilly buy is chiefe.

The Glynnes so called by reason of the rocky and woody dales both neare to the iles of Raughlines and the iles of Ira and Iura, yt beginneth from the haven of Olderfleet to the Route stretching in length 24 miles, being backed on the one syde with very steepe boggy mowntaynes, and the other syde with the sea;

sea; where yt hath many small creekes, betweene the rockes and the thicketts where the Scotts gallies doe comonly lande on either ende are very strayte and narrow passages into this cuntry, which be opposite to Kentire in Scotland which is 18 miles distant. It was auncientlie the land of one Misset an English gentleman, whose daughter one of the Clandonnels an ancestor of Angus mac Coñell of Kentire maried, and so clameth the inheritance. They were once all banished and expelled, but since by instructions from her maiestie yt was devided by S^r. John Perrot, betyeene Angus mac Connell cheife of his name and Sourly Buy his uncle bysides the land in the Route. The ile of glimes conteyneth seaven Baronyes of which the Raughlines beinge six miles, is counted half a barony, the rest are Larnparke, Glanan, Redbay, Lade, Carye and Mowbray. These people having continuall supplies out of Scotland, have beene and are causers of great vnquietnes and disloyaltie in Ireland, and better followed by the weaker septes, (for that they are lesse spent upon and better defended) then by the Irish or English.

Iland Magi is a porcion of land invironed with sea, thre miles from Knockfergus, the headland whereof maketh Olderfleet haven; it is fyve myles long, and but a myle broade, very fertill and without woode, but wasted: it is the inheritance of the now erle of Essex.

Bryan Mac Carvughs cuntry was parcell of north Clanboy, won from him by a bastard kinde of Scotts the Clandonnels, it is a stronge piece of grownde lyinge on the North syde of the Ban: it is very hard to hurt him, by reason of the fastnes of his cuntry, having frendes on either side the Ban, which maketh him so obstynate and carelesse, as he would never appeare, but yeeldeth what releeffe he can to the Scotts, he stayeth onely vpon his owne strength, the cuntry is the fastest and safest grownde in Ireland.

THE COUNTY OF MONAHAN.

This county was anciently called Iriell, geven at the conquest tyme to one Gerald Fitzvrsus or Bearsonne supposed to be one of the 4 knights that slew sanct Thomas of Canterbury. His ofspringe are become meare Irish, calling themselves mac Mahons which signifieth the sonne of a beare, Mahon in Irish being a beare. It conteyneth the cuntries of Iriel, Bartry and Ferny, which are held by 3 capt. of his owne sirname, of which the last bordereth vpon the

county

county of Louth, and being parcell of ye auncient inheritance of the crowne was geven to Water erle of Essex the title whereof remayneth in the now erle.

It bowndeth, East, South West, Loghearne; No:, Armagh; So:, Cavan.

THE COUNTY OF FERMANAGH.

This cuntry comonly called Mac Guyres cuntrye lyeth vpon the east syde of the great loghe earne and stretcheth northwards to O'Donels cuntry called Terconnell, Mac Guyre is one of O'Neils Vraughts, he hath not any of name vnder him, but his owne kindred: he is under the bushop of Clohn in the county of Tyrone. This cuntry is very stronge of woodes and boggs especially neare the great loughe earne.

It bowndeth, East and North, Tyrone; West, O'Rurks cuntry; So:, Mac Mahon.

THE COUNTY OF TYRONE.

The county of Tyrone conteineth all the lande betweene the blacke water and the ryver of Liffer. This was the porcion assigned to Turlogh Lenogh O'Neil in the treatye betweene him and Water erle of Essex, who before had commaund over all the landes southward to the English pale.

It bowndeth, East, county Colran; West, Mac Guyre; No:, Fermanagh; Sou:, Armagh.

THE COUNTY OF DUNEGALL.

The county of Dunegall conteineth all Terconnell, which belongeth to O'Donell, and that sirname, and O'Dogherties cuntrye from the ryver of Fyn northward to the sea, and from the easte sea to the ryver of Earne neare the county of Slygo. It is the largest shire in all the province of Vlster. O'Donell is capten and governor of the cuntry, whose strength lyeth in the sept of the O'Chalogames and Mac Swynes stronge nations of Galloglass. O'Doherties cuntry is a promontory almoste environed with sea, namely with loughe Swilly and loughfoyle on the north parte. It is governed by a capteine called S^r^. John O'Doghertye, who beinge not able to defend himselfe is forced to contribute to O'Donell and O'Neile, *alternis vicibus*. His cuntry lyinge vpon the sea neare the Ilands Ira and Jura of Scotlande, is continually invaded from thence, and thereby forced to be at their pleasure.

It bowndeth, North and East, the ocean; West, Lough earne; South, ryver Fyn.

THE

THE COUNTY OF COLRAN.

This county beareth the name of the castle of Colran in the north syde of the Ban, and not of the abbey of Colran which is in the route. It conteineth all the lands betweene the river Ban, and Loughfoyle alongst the sea coste. The capteine thereof is O'Chane and no other of that name in yt but himselfe savinge his freeholders vnder him. O'Chane is cheefest of O'Neils Vraughts, and createth him O'Neile by castinge a shooe over his heade, vpon a hill in the county of Tyrone, a place allwaies assigned for that purpose.

It bowndeth, East, the sea; West, co. Tyrone; No: Loughfoyle; So: Ban.

THE COUNTY OF ARMAGHE.

This county conteyneth all the landes betweene the ryver of Dondalke and the blackewater, savinge a small porcion called Conray lyinge neare to Carlingford, which is parcell of the county of Louthe. It is devided into these cuntryes, Oriagh, which is O'Hanlons cuntry, Clanbraselo, Clancane, Clanowlo, Muckro, Tyragh, Fewes, and Oneilon, moste of these have severall captaynes.

O'Hanlon's cuntry reacheth from the Newry to Armagh, for the moste parte without woode.

Clanbraselogh is a very boggy and wooddy cuntry, lyinge vpon the syde of the loughe Earne.

Clancane alias Clancumcane is a very stronge cuntry allmoste all wood and bogge and two deepe ryvers, the one called the blacke water, the other the litle Ban, both which doe fall in this cuntry into the loughe Earne.

Clanowlo, lyeth betweene Armagh and the Blackewater near to the ryver. It is boggy and wooddye, but the reste towards Armagh is champion and fertill: upon that parte of the cuntry was the bridge and forte of Blackewater. Muckro and Tragh, lyeth betweene Armagh and Mac Mahons cuntry.

Fewes bordereth vpon the Englesh pale, within 3 miles of Dundalke; it is a strong cuntry of woode and bogge; the captayne thereof is Turlogh Mac Henry O'Neile, brother to the erle of Tyrone.

Oneilon is likewise a wooddy lande lyinge betweene Armagh and Clancane.

It bowndeth, East, county Monahan; West, ryver of Newry; North, Blackwater; South, county Louth.

A PERTICULER OF SUCH STRENGTHS AND FASTNESS OF WOODE AND BOGGE AS ARE IN EVERY PROVINCE OF IRELANDE.

In Leinster.

Glandilore, a fastnes in Pheagh mac Hughes cuntry.
Shiloghe, in the county of Dublin.
The Duffrin, in the county of Wexford.
The Dromes and Leverogh in the county of Caterloghe.
The great boggе in the Kinges county called the Tougher.
The fewes in the county of Kildare.
The woodes and boggs of Munsterevan, Gallin and Slymarge, in the Queene's county.
The Roure near S^{t}. Mollines.
Parte of Consteragh joyninge vpon Kylkenny.

In Munster.

Glan garuf, in O'Silinan Mores cuntry.
Glanrug, and Leanmore, in Desmond.
Olinglaskilmore, in the county of Lymerike.
Dromfinien, in the county of Corke on Blackwater.
Arelow, and Muskry quish, in Tipperary.
Kilhuggi in Typperary, bordringe on Lymrike.

In Connaght.

The woodds and Boggs of Kylbigher.
Kilcallon in mac Williams cuntry.
Killaloa in the county of Letrim.
The woodes and boggs near the Corleus.

In Ulster.

The woodds and boggs of Clanbraselogh.
Clancane in the county of Armagh.
The woods and boggs of Kilvlto, Kilwarlen, Kiloutry, South Claneboye, in ye county of Downe.

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CHESTNUT HILL, MASS.

A PERTICULER OF THE REBELLS FORCES OF HORSE AND FOOTE ORDINARILYE IMPLOYED IN THE REBELLION, 28 APRIL 1599.

In the province of Leinster.

	foote	horse
Dublin. The mountayne rebells, viz. the O'Birnes, O'Tooles and ye Cavenaghs within the county of Dublin	480	20
Kildare. James Fitzpierce a Geraldine. The Bastard Geraldines, 2 base brothers to the late erle of Kildare. One of the De la Hides. Glasne O'Dempsie. Lisagh O'Dempsi with the rest of the O'Dempsies. Certein of the Eustacies of kindred with the late vicount Baltinglass attaynted	230	20
Caterlogh and Wexforde. The Cauenaghs the chief of which is Donell Spaniagh with his followers	750	50
Quee. Coũty. The O'Mores with their sept and followers . .	570	30
Kings Coũty. The O'Connors, the O'Moloyes, the O'Donies .	440	12
Kilkenny. The vicount Montgarret with his bretheren and followers, the O'Carrolls	130	20
Summa totalis in Leinster, foote 2600, horse 152, in all 2752.		
There are of strangers within Leinster adherents to the rebells,		
With Pheag mac Hughes sonnes ye Clamoles with	80	
With Murrogh ma Edmonds sonnes of Scotts under Donogh Ganeo	30	
Of Vlster men under Con the bastard	800	

In Meath.

The O'Molaughlines, some Nugents, some Giraldines . . .	140	20
Capten Tyrrell	200	
The o'Reilies with their sept, and strangers	100	20
Summa in Meath, foote 440, horse 40, in all 480.		

In Munster.

The lo: Barron of Cayre, James Butler his brother, with their followers	300	12
Tipperary. Edmund Fitz Gibbon alias the white knight with his followers	400	30

	foote	horse
Richard Pursell, baron of Laughline with his followers . . .	200	60
Callue Mac Shane, Glassi O'Mulrean and his sept . . .	300	60
Keidagh O'Magher	60	30
Edmund Buck pretending himselfe Baron of Leighgranen and his bonaghs	300	20
Ormond. Bryan og O'Keneday, Hugh O'Keneday, with the rest of ye O'Kenedaies in Ormond	500	20
William Burke Fitz John with ye rest of the Burkes of Clanwillim	200	40
James Fitzthomas, calling himself erle of Desmond . . .	250	30
The Lord Roche, Patrick Condon	200	28
Cork. Donogh mac Cormok lo: of Dowallogh. O'Kyff, Ball O'Hane	200	80
Barry Og and the barrons brother John in the Muskry . . .	120	30
Kerrye. In Carebeg with David Burk	500	
The lo: Fitzmorrice, Thomas Og, John Delahide Toghe, with his followers and strangers	500	30
Desmond. O'Swilly man beare, Dermond Mac Owen, calling himselfe Mac Arty More	500	60
Of strangers assistants with horse		100
Summa in Munster, foote 4730, horse 568, in all 5298.		

In Connaught.

Roscomū. O'Connor Dun, mac Dermon, O'Brien, O'Hanlye, O'Flamergan, the mac Swynes, mac Hugh, Duff Dalie, O'Kellye .	500	30
Mac Lanigh, O'Doole, O'Harry buy, O'Harte, mac Donogh, O'Garrye	300	30
O'Rurk with his followers in heitrinū	600	60
Mayo. Mac William and his followers	600	60
Gallway. The sonnes of Edward Scobe, uncle to the erle of Clanricchard	300	
Sligo. The 4 sonnes of Owen O'Madden whose father was killed lately in action	50	
The Joyes, mac Donogh, O'Flaherties, in Tercōnell . . .	140	
Clare. Teig the erle of Thomonds brother, with other of the O'Briens, mac Nemekawes and their followers . . .	600	50
Summa in Connaght, foote 3090, horse 230, in all 3220.		

In

In Ulster.

	foote	horse
Neil mac Bryan Ferto of the Upper Clanneboy	80	30
Shane Mac Bryan of the lower Clanneboy	80	50
The Whites cuntry, called the Duffrye	20	
Mac Artens cuntry, and Sleught mac O'Neils	100	20
Mac Rory of Killwarlen	60	10
Hugh mac Murtogh of the Feagher beyond the Mynwater	40	
Shane mac Bryan Carragh, and his cuntry joynyng on the Bansyde	50	10
James mac Surly buy, and his 2 brothers Neece and Randoll in the cuntry of Towany (being the Route) together with ye Glimes	400	100
Mac Mahon with Ferny and Glancarvell, Patrick Macarty Moyle, being a competitor to ye coũty of Monahan	500	160
Edmund Reagh of ye Breny	500	100
O'Chane with his cuntrye	500	200
Sleught Art, S^r^. Art O'Neiles cuntry	300	60
Henry Og mac Shane	200	40
Turlogh mac Henry of ye fewes brother to ye erle of Tyrone	300	60
O'Haggan and his cuntry	100	30
The Donnelaghs cuntry betwixt the ryver of fin and lough Swilly possessed by con O'Donnell's sonnes and mac Hugh Duff	100	60
Mac Connagh	100	12
Lord Savadg of litle Ardes	30	10
Mac Guyre in the coũty of Fermanagh	500	80
O'Hanlan	200	40
O'Quin	80	20
The erle of Tyrone hath for his own retynew comõnly attending about him	700	200
Cormoc mac Barron, the erls brother	300	60
Iragh mac Guynies	300	40
S^r^. John O'Dogherty and his cuntry joyning vpon lough Foyle	300	40
In the Mac Swynes cuntry	500	30
O'Boyle and his cuntry	100	20
O'Donell and his cuntry of Dunegall	200	60

O'Gallogher

	foote	horse
O'Gallogher	200	40
Sleught Rories cuntry	100	50

Summa in Ulster, foote 6940, horse 1652, in all 8592.

Summa totalis of the Rebells whole forces in Irelande, foote 17800, horse 11552, in all 29352.

A PERTICULER OF SUCH HORSE AND FOOTE AS THE ERLE OF TYRONE HATH VERY LATELY PLOTTED TO BE CESSED AND WAGED BY THE SEVERALL CAPTAYNES AND LORDS OF CUNTRIES IN YE PROVINCE OF VLSTER.

	foote	horse
The erle of Tyrone and his creat is to beare	2000	120
Cormoc mac Baron	100	40
Henry og O'Neile	50	30
O'Hanlon	50	40
Art mac Baron	30	20
Bryan mac Art cessed vpon Clanneboy	300	60
Mac Guynies and his cuntry	300	60
All the mac Mahons	500	200
Mac Guyre	400	60
Art og O'Neiles sonne	400	50
O'Chane	300	100
James mac Surly buy	300	60
O'Donell with all his cuntry	3000	200
O'Rurk	500	
Shane mac Bryan	200	
Thrlogh mac Henry ye erls brother		30
The Breiny findeth ye erle		60

Summa totalis, foote 8430, horse 1130, in all 9560.

A JORNALL RELATION OF THE PRINCIPALL ACCIDENTS WHICH HAVE HAPPENED IN THE KINGDOM OF IRELAND FROM THE X. OF MAYE VNTILL THE IX. OF SEPTEMBER, 1599.

After the lo: lieutenant and governor generall of Ireland had rested certen daies at Dublin for establishinge the state of that kingdome, and for makinge his necessary provision for the warr, his lordshipp departed from thence towards the

the champion feildes betweene the villages of Killrush and castle Martine. in which place he appoynted to meete him 27 ensignes of foote and 300 horse which his lordship devided there into Regiments appoyntyng colonells to the same.

The daye followinge, the rebell shewed himselfe in small numbers deliverinye some few shott out of the woods and ditches vpon our vaunte-curriers but without any hurte. This night the army lodged a myle from Athye which hath beene a great markett towne, but brought by these late wars into the state of a pore village.

Athie is devided into two partes by the ryver of Barrow. over the which lyeth a stone bridge, and vpon yt a castle occupied by James Fitzpierce, a gentleman of the famylie of the Geraldines, who so soone as our army approached the castle yeelded himselfe to the mercy of the lord lieutenant, as dyvers also the same daye, viz. the vicount Montgarret and the lorde of Cayre (both Butlers) who were presented unto the Lord Lieutenant, by the Erle of Ormond, who in that place ioyned his forces to our army.

The lord lieutenant havinge put a guard in the castle of Athye, passed his forces over the Barrow by the bridge of the castle, which ryver beinge not otherwyse fordable but with difficultie, and the bridg thereof the onely waye which leadeth into the Queenes county, the importance of this enterpriz easely appeareth (without any amplifycation) vnto every ignorant sence. At Woodstocke (a village scituate vpon Barrow) his lordship expected victualls a daye or two for the reliefe of Maryburge, a forte of great importance in the Queenes county which his lordship now hasted, not permittinge other staye in his jorney then necessity gave cause. Durynge the tyme that our army incamped at Woodstock, the rebells attempted the stealinge of some of our horses, which being perceived by Sr. Christofer Sentlaurence, (sonne to the Lord of Hoth) he passed the ryver naked, and beinge followed by his men reskewed the praye and returned with the heade of a rebell.

About the same tyme the rebells presented themselves 200 stronge to the sight of the castle Rheban, distant a myle from Woodstok, where a parte of the army then laye; but vpon sight of the erle of Southampton, who hasted towards them in most soldier lyke order with a small troope of horse and foote they retyred themselves to their boggs and from thence to their woods.

So soone as the lord Lieutenant was provided of vittells he marched with his army

army towarde the forte of Mariborow in the Queenes countye, at which tyme the rebell shewed himselfe by a passage called Blackeforde, through which his lordship marched in such excellent order, that yt terryfied him not alone to attempt vpon any parte of the army, but even to approach neare unto the same.

His lordship havinge vittelled the forte, and encreased the garrison, and bestowed the order of knighthood on the capten thereof Frauncis Rush, (who had constantly held the same, being dryven with all his company to eate horsflesh the space of 20 dayes before) he lodged that night at the foote of a very highe hill colled Croshy Duff, the generall Ratchill of the province of Leinster, where the rebell Ony mac Rury O'More shewed himselfe with 500 foote and about 40 horse two myles from our campe, renewing that night and contynewinge the next morninge a challeng which he had made a few daies before, to fight 50 of his with 50 of ours with sworde and target, which was consented vnto by the lorde lieutenant, but the rebell never came to performe yt.

The lord lieutenant havinge from the topp of Croshi duff viewed the cuntry rownde about, and particulerly the way of that dayes march, led his army towards a passage called Cashells, halfe a myle from that nights quarter. The nature of the passage is such through a thicke woode a myle long, leadeth a highe waye, in moste places ten going paces broade, which in the midst was traversed with a trench and the woode plashed vpon both sydes from behinde which the rebell might with facillyty gaule our men in their passage. To the other two sydes of the woode are adjoyned 2 boggs which served the rebell for a secure retreat from all force of our armye; but upon an elevated porcion of grownde betweene the woode and the bogge on the lefte hande was a village, from behinde which the rebell might safely sallye and returne agayne to his strength at his pleasure. His Lordship, to make his way through this passage with security devided his army into thre battells. Before the vantguarde marched the forelorn hope consisting of 40 shott and 20 shorte weapons, with order that they should not discharge, vntill they presented theire peeces to the rebells breasts in their trenches, and that sooddenly the shorte weapons should enter the trenches pell mell vpon eyther syde of the vauntguarde (which was observed in the batle and reareguarde) marched wings of shott, enterlyned with pikes, to which were sent secondes, with as much care and diligence as occasion required. The baggage, and a parte of the horse marched before the battell, the rest of the horse troopes fell in before the rearewarde, except 30 which in the head of the rearelorne hope

hope, conducted by S^r. Hen: Danvers, made the retreit of the whole army. The vanguard havinge by provident order of march gayned the ende of the passage, where discovered yt self a large champion and comaunded to make Alt in that place till the horse and whatsoever else was vnprofitable in the strayte were advaunced the playne, which order of march providently appoynted by the lord Lieutenant not being observed in all partes of the army with lyke dilligence, there was loste in the retreyte of the dexter winge of the forlorne hope, capten Boswell and lieutenant Gardner, who dyed with so much bravery and resolucion that yt must be confessed by all who were witnesses of their deathes that their eies have not seene more valiant gentlemen.

His Lordship was this daye in all places, flyinge lyke lightninge from one parte of the army to another, leadinge, directinge, and followinge in the vanguarde batle and reareguard. The small losse we susteyned in this place was multiplied upon the rebell by our quarter and skoutmasters, who accompanied with divers gentlemen made a good slaughter of certeine rebells which assayed to force the quarter; among these were of especiall note, Alexander Doñell, and Donnell Knaghy, a man of base birth, but (for the proofe of his darynge and skill in their millitary discipline) of especiall esteeme with Tyrone. In this conflict Edward Bushell, gentleman, received a hurt in his brest with a pyke.

The daye followinge, the Lord Lieutenant observinge the former of marche led his army throughe the passage called Ballyregate of a castle belonging to the vicount Montgaret where we founde the rebells so few in number, and so tymerous in attempting, as their behaviour prooved that the other dayes march was terrible vnto them.

These passages thus overcom to no small terror of the enemy and admyration of the soldior, his Lordship went to Kilkennye (a cytty where the Erle of Ormond is resident) where he was received with as much ioye of the cytizens as could be expressed, either by lyvely orations or by sylent strowinge of the streetes with greene hearbes and rushes with which ceremonyes of gladnes he was lykewise welcomed not many dayes after at Clonmell.

The citizens of Clonmell, had beene longe tyme hindred in their traffique to Waterforde, by the castle of Darenclare, scituate vpon the ryver Suyre, which althoughe yt were very defensible, and that yt had some yeares paste endured the force of an armye, yet was yt at this tyme vpon the Lord Lieutenants cōminge before yt presently yeelded to his mercye.

In the midest of the ryver Suyre (5 miles from Clonmell) lyeth an Iland the same a naturall rocke, and vpon yt a castle which althoughe yt be not built with any great arte, yet is the scite such by nature that yt may be said to be inexpugnable. Of this castle which is called Cayre, is the lord of Cayre entytuled baron, which beinge helde by James Butler his younger brother, the Lord Lieutenant sent the Lord of Cayre to parly with him, and with him Sr. Hen. Danvers, whome he advised duringe the parly to observe as much as was possible for him, the nature of the place, who returninge with the lord of Cayre (evill satisfyed that his brother would not yeeld his castle) related the scite and strength of the place, to be such as is mencioned.

This night his Lordship reviewed the place himselfe in person and caused the same to be don̄ by the Lord Marshall and sergeant major, com̄aunding after a dilligent review, that the approaches (takinge the advantages by the way of olde ditches and walls) should be that night carryed to the board of the counterscarp, one day beinge intermitted without doing any thinge, for want of the artillery, which could not aryve in shorte tyme, the same being drawne onely by force of men; there passed a daye or two before the battery was com̄enced.

The same night that the cannon was planted, his lordship sent the lord Marshall and segeant Maior, with 300 men, to occupye a garden which adioyneth to the castle upon ye south west parte, althoughe this passage to this garden were such as that a very small number might have made fronte to an army, yet did these beastes first quit that passage, and presently after they abandoned the castle (except 8 persons) to the relieffe of which wer sent early in the morninge 100 kerne, by the whyte knight. In the beginninge of the night, Sr. Christopher St. Lawrence was sent with 300 men to possess an Iland which lyeth from the castle towards the northeast not more then halfe an hargubuz shott, to breake up two bridges, one of which leadeth from the Iland to the mayne, and the other from the same Iland to the castle.

The rebells seinge themselves in the morninge secluded from that relieffe which they howerly expected from Desmond and from the white knight: at night they conveyed themselves with as much stillnes as was possible out of the castle, which yet being perceived by dyvers of our guardes, they fell presently to execution, and entred as well the castle without resistance as direction, by which accident was repossessed for her Maiesty, with the slaughter of 80 rebells, one of the strongest places by nature in all Irelande.

Duringe

Duringe this siege capten Brett was shott in the body with a hargubuze, as was also capten Georg Carye through both cheekes and throughe the body, the bullet entringe above the lefte shoulder and passinge forthe vnder the opposite arme hole which hurtes were myraculous, for that there were onely three shotts made and his boddy in all places covered with an armor of muskett proofe. These two worthy capteines havinge in this siege, and in many other services, made honorable proofes of their vertu after a few dayes chainged this lyfe for a better. His Lordship havinge repared the breaches of the castle, and placed such a garrison in the same as might anoy the fronteringe rebells, his sicke men beinge sent to Clonmell he arryved by easy jorneyes at Lymricke, where he was enterteyned with two Englesh orations, in which I know not which was more to be discommended, words, composition, or orators, all of them having their particuler excellencies in barbarisme, harshnes, and rusticall both pronounce and action.

The army, which had endured much as well by fowle waies as unseasonable weather, being well refreshed by the relieffe they received from Lymrik, was conducted by his Lordship to Adare. In a ruyned Abbey of which village, his lordship lodged a regiment of foote, passinge the same over the ryver of Adare by a narrow bridge; which was well perceived by the rebells Desmond and Lacy, who never made shew to prohibit the passage, althoughe they had not much more then muskett shott from the same, aboute 1200 foote under 5 ensignes, and 2 cornetts of horse eather appearinge to be at least 100. Those were rayned in sight of our army, devided from yt by an infordable ryver, and a bogge, and in such disorder as yt rather seemed a morris daunce by their trippinge after their bagpipes then any soldiorlyke exercise, they conveyinge themselves after a while in a ringe daunce into a wood which they had close at their backes, and from whence they have not departed further at any tyme since the armye entred Munster, then an olde hunted hare doth from her covert for relieffe.

Earely in the morninge the army passed the ryver and marched towardes a passage halfe a myle from Adare which had on eyther syde a woode, but under that on the right hande a bogge, by the head of which extended yt selfe the woode on the lefte hande. The passag laye over the bogge, which was very difficult both for many naturall sloughis which we founde in the same and for plashin made that morninge by ye rebell. At the entrance into the passage

betweene the woods the dexter winge, beinge not so farr advanced as the forelorne hope, the Lo. Lieutenant being in the heade of the Troopes to direct them, had delivered vpon him close at hand and from reste, a vollye of at leaste a 100 shott, which were instantly repelled by some troopes, which his Lordship caused to be drawen forth of the vantguard, comaunded that daye by the erle of Thomond. His Lordship havinge with slaughter of more then a 100 (not loosinge a man of his owne) put the rebell to retreat on that parte, possessed himselfe of the passage, placinge on either syde thereof a regiment that might assure the same, and that dun he returned to geve order to the reare guard, where he was in like daunger as before in the vantguard, overcomyng the same by the lyke order, but not altogether with so much slaughter.

The rebell thus repelled by providence in his lordship, the whole troopes marched through the passage, not alone without losse, but without difficultie. On the left hand of the passage was Plunkett lodged with 300 rebells, who makinge onely that daye eccho in the woode with the reporte of 30 or 40 shott, was constreyned the next daye to geve pledges to Desmond for the assurance of his faith.

From the passage his Lordship conducted his army towards Aischeton, which castle was then somthinge distressed by the rebell, who intercepted the passage in such sorte, that till this tyme yt could not conveniently receive any relieffe from Lymricke, from whence it was now vitelled by his lordshipp; the rebell neither hinderinge his lordship to passe or repasse his army over the ryver Doyle upon which Ayscheton is scituate, where a small number might have made heade to a copious army, nor endeavored any notable offence, in any other place, where they might have prooved their forces with much advantage.

His Lordship with purpose (as I conjecture) to geve the rebell an inexcusable provocation, directed his jorney towards castle Conan in the county of Corke, Desmonds cheefe howse, at which tyme passinge betweene woodes close by Pheniters towne which flancqued the army on either syde within muskett shott, his lordship peradventure to lett the rebell know the vertu of his men, and their owne weakenes, enterteyned skyrmysh with them in theire owne strength, forcynge them to abandon the same without other losse, then that S^r. Hen. Norris presenting a charg with his troope of horse, had his legge broken with a bullet, which hurt was after certen weekes languishment the end of his lyfe. The Lord Lieutenant was this day in as good hazard as any pryvate man.

man, so was lykewise the erle of Southampton in much daunger whiles he expected in the head of his troopes (all the tyme of the skirmysh) oportunyty to charge the rebells. The lord Graye havinge that daye the vauntguarde of horse gave chace with 12 of his troope to a doble number of the rebells forcing them into the wood to their foote, where capt. Franscis Markham a gentleman of knowne valour was shott throughe the right cheeke with a bullet. There dyed of the rebells clan Donnell and one of the Burks both comaunders, and of ours Sir Henry Norris and capten Fennyngs.

Not many dayes after the army still marchinge towards castle Conan was enterteyned in skirmish from the skert of a woode called Barney Cowlagh by Mac Cartes men, where Sir Henry Danvers, endeavouring to save certen straglers which had indiscreetly ingaged themselves, was shott in the face, the bullet passing to the roote of the lefte eare, where yt still resteth, but without any anoyance, he beinge allready perfetly recured.

Desmond insteade of defendinge his castle, raced the same, by which and throughe his whole cuntry the army marched without any offence, althoughe he might have presented himselfe in our way in many places of exceedinge advantage, so that without any impeachment of the rebells his lordship aryved (notwithstandinge great braggs made by Desmond) unfought withall, at Waterforde, where his lordship was received with as much joyfull congratulation of the people as in any other towne in Ireland. During his lordships aboad in Waterforde, he reviewed with carefull diligence, the harborow, as also the forte of Dun Canon which guardeth the same. The scite and fabrycature of which (both in his lordshipps judgment and opynion of others skillfull in fortification) declare S^r^. John Norris (by whose approbation that was chosen and this allowed) as judiciall an ingener as his other acts have enoblished him for a most worthy soldior. For the scite it is so overtopped by an emynent height not distant from yt more then 150 paces, that no man can stand secure in the piazza of the forte. And as for any arte of fortyfication whereof this place should participate and whereby skilfull inginers are accustomed to render places more defencyble, yt was held by his Lo: judgment (as I said before) an insufficient intrenchment, and consequently a moste defective fortresse, as whose spalto affordeth a secure lodginge under it to an enemy, coverynge him from all offences of the parapett, and yet the same not raysed to such height as may secure the defendants in the strada coperta, whose ditch is narrow and shallow,

whose

whose rampart and parapett are low and slender, whose defences are a forbici and imbarba, and that which is worse their correspondency hindered by the cassamates in the ditch, whose piazza is narrow affordinge no place for retreat, when that rampart which is, shall either be beaten or zapped, all which imperfections are fownde in that parte which reguardeth the mayne. That part of the forte towards the water, althoughe yt hath not so many defects as the former, yet hath yt as grosse errors as any are mencioned. The two platformes being both of them so skant, that they are not alone uncapable of such a number of peeces as may serve to command the water, but that they which are allready there, have not place sufficient for their recoyle, the defects of which platformes are suted by answerable parapetts, which being slender, and of stone, they promisse instead of securyty, death to as many as shall in necessytye present themselves to defence.

From Waterforde to Dublin (whether the Lo: Lieutenant was now in returne with his army) leadeth a doble waye. The one throughe the Glynnes which denyeth passage to horse and carriages; the other alonge the sea shoare, by which his lordship conducted his army as well peradventure for the cōmodity of the passage as to visit in his waye the garrysons of Enerscorfy, Arclo, Wicklo, and Newcastle: untill the army had passed Enescorfy the rebell never shewed himselfe, for all the former daies marches were throughe a playne champion, where he never trusteth to himselfe. But before that the army was advaunced to the mydwaye from Eniscorfy to Areklow, the rebells (ayded with the oportunytie of woodes and bogges) presented themselves in our waye, for the preservinge of certen villages all which (and onely which) his lordship caused to be consumed with fyer in despyte of them.

About three myles from Areklo the army was to passe a forde, where the rebell presented himselfe, with opynion (as may be conjectured) yf not to prohibitt yet to troble the army in the passage; the skirmish was for the space of an howre hotely maynteyned on both partes, either parte contendinge to force the other by fresh supplies out of their grosses which they had hard at hande. The Lord Lieutenant thinkinge to enclose the enemy betweene the horse and foote cōmaunded the lord of Southampton (who was now passing the foarde) to take the first oportunyty to charge, but the rebells (whose dread of our horse causeth him to observe dilligently all their motions) perceiving the erle of Southampton to advance with his troope, retyred him selfe into his strength, a parte

of

of them casting away their armes for lightnes, which yet escaped not altogeather the execution of the lo: Marshall who directed the foote on that parte. The rebell was to passe in his retreit to his strength, through 2 small fields, enclosed with highe hedges, through the end of the second of which laye a highe waye vnto a neighbor woode, which the lo: Lieutenant a while observinge (envited by the oportunyty of the place which gave excellent commoditie to close the rebell betweene his horse and foote) sent vnto an Irish comaunder of horse willinge him to charge who obeyed instantly, but yett comytted therin a doble error, the one for that he sent not 20 or 30 horse before his troope that might have broken the rebells and received their first vollye; the other that for about 12 shott which were delivered upon his troope at his first approach, he turned heade when his trompett sownded a charge, geving lyfe thereby to more then 200 rebells which stoode at his mercye.

In the meane tyme while these things were in hande the whole troopes were passed the foarde, and his lordship began to contynew his march towards Arklow, laying in a village upon the waye an ambuscado of about 40 horse, which might cut of the rebell yf (which his Lordship suspected) he should approach to offend the rearguard. But the rebell (who is not easely surprysed by ambuscadoes) either perceivinge or suspectinge deceit made an Alt with his troopes, which howsoever yt seeme contemptible, yet is yt sufficient to fight in the trenches of his cuntry, with fyve such armyes as ours. His Lordship perceiving the rebells staye, called his horse to their place, and the cuntry beinge to appearance a playne and firm champion, the whole army seemed to promise to itselfe securytie, and the rebell not purseivinge, every man attended onely to hasten to the quarter in a speedy march, whereby the army was distracted into an excessive length, and brought thereby althoughe into no disorder, yet into some unreadiness, whiles the army marched ; his Lordship beinge allwaies vigilant to observe the order of his owne troopes in their march ascended for this purpose the topp of a hill, whose height discovered the whole playne, and perceivinge from thence, that the rebell prepared to gene vpon the reare of the sinister winge of the vantguard led by Marmaduk Constable ensigne to capt. Ellis Jones, he comaunded the erle of Southampton (to whome gathered suddenly a few stragling horse) to haste to their succors ; in the meane tyme while the erle of Southampton was occupied in assuringe the foote, and endeavoring to drawe the rebell (which held him in his strength of woode and bogge) upon

firm

firm grownde, the lord Lieutenant not attended upon by more then 6 or 7 horse, presented a charge to the rebells grosse of horse and foote, which was now making towards the lord of Southampton, whome they see to be engaged, and upon a grownd disadvantagious for horse; but perceiving the resolucion of the lord Lieutenant who constantly expected them upon the syde of a bogge which laye betweene him and them they made an Alt, about which tyme the Lord of Southampton, having increased the number of his horse to about 24, seeing yt lost tyme to endevor to draw the rebell from their strength resolved to charge them at all disadvantage, which was performed with that suddennes and resolucion, that the rebell being before dispersed in skirmish had not tyme geven him to put himselfe in order, so that through the oportunity of occasion taken by the erle of Southampton, and vertu of those which followed him (who were moste of them noble) there was made a notable slaughter of the rebells; such as escaped the horse, were intercepted from their grosses (to which they labored to retyre) by the foote, which were sent thither by ye Lord lieutenant for releefe of the hors, many of which by the too much forwardnes of their ryders were there imbogged by which misfortune Sethcockes a gentleman (whose industry had adorned him with much both science and language) died in that place, and Capt. Willim Constable after a doble wound, saved himselfe by his owne vertue. That which the foote did in this parte was not lesse comendable then that of the horse, there beinge a stande made by S^r^. Hen. Poore, Capt. Courtney, and ensigne Constable with a 100 men, aganst at least 400 rebells: but that which hindred ye coming downe of the rebells, was the presence of the lord lieutenant who stoode in a place fitt to offend both by direction and number, havinge a litle before ioyned vnto him the rearguard of foote and horse.

The rebells Donnell, Spaniah, and Phelim mac Pheagh, mooved either with the slaughter of theirs, whereof died more then a 100, fyve of which were comaunders, or terryfied with ye order, readiness and vertu of our men, withdrew themselves, and desyred by S^r^. Hen. Danvers (who comaunded that day the rearguard of horse) to com in vnto his lordship vpon protection, which his lordship denyed as a course vnfitt for rebells, refusing to receive them upon other tearmes, then upon submission to her Majesties mercy.

His Lordship had before his entrance into this jorney of Munster, and Leimster, with provident care secured by sufficient garrisons all the frontiers of the English pale, leavinge at Dundalke the Lord Cromwell, at Ardee, S^r^. John Shelton,

Shelton, at Kelles, the Lord Audley, garrisoning in lyke manner under the government of other comaunders, the townes of Mollingar, Trym, Aboy, and Ballymore in Westmeath. In the King's county, Dyngan, in the Queene's county, Maryburg; in the county of Carlogh, Caterlogh; in the county of Wexford, Enescorty, and in the county of Dublin, in the Birnes cuntry, Wicklow, where was left S^r. Hen. Harrington with the comaund of S^r. Alexan. Ratcliffs regiment.

Not above seaven myles from Wicklow is that part of the Glynnes called Banilagh, the strength of which cuntry, although yt is exceedinge greate by nature, yet hath yt lately beene much encreased by the industry of Phelim mac Pheagh, who at this daye usurpeth the possession of the same. Sir Hen. Harrington partly mooved with a desyre to take a view of Phelim mac Pheaghs new workes, and partely drawne by an opynion to exercise his soldiors, which were all rawe men and vndisciplined, departed from Wicklow towardes the Banilagh with 450 foote under the comaund of their captaynes, Wardman, Mallory, Linley, Loftus, and Ratcliff, to which he added capt. Montacute with his troope of 50 horse, and 15 horse of so many Irish gentlemen who offered themselves voluntarylie to this service. It was marched that daye within a myle of Banilagh where yt was encamped by the side of a bogge, not of necessitie (for this jorney was meerly voluntarye) but either of judgment or necligence, which maketh as well his error inexcusable who made choice of this place, as his who approved the same. The rebells takinge the oportunytie of that advantage which was geven them by this unsoldior lyke encampinge, never ceased to disquiet our men, the whole night longe, deliveringe sometimes entier vollies of shott in their market place.

The next morninge (which he had also don the daye before at his first cominge to this quarter) S^r. Hen: Harrington, attended onely with the horse, went towardes the Banilaghe, returninge eftsoone without makinge any memorable discovery of the place, which yet was the occasion of his drawing forth presently upon his returne to the quarter, havinge received intelligence that the rebells had assembled themselves in grosse, he gave order to march which the rebells perceivinge (they being then in sight) hasted after, and comeneyng skirmish with their loose shott, maynteyned the same for the space of two myles, when our men having passed a small brooke by a forde and lodged 10 musketteires

in a ditch which might with exceedinge advantage have expected the pursewers from Rest, fled shamefully at the sight of 4 or 5 naked raskalls, suffryng themselves to be knocked downe with the stockes of their pieces. Capt. Wardmā endeavouringe to reforme this disorder, and assisted (as they saye) in his frustrate, but honorable paynes, by the rest of his ranke, left his dead bodye in that unfortunate place, for an occular testymony of his corage and vertu of whose infortune Capt. Henry Aderton, sergeant maior to the regyment, being an emulous witnes, never turned his face from the rebells, but the rest flyinge was (lyke another Coeles) both to them and to himselfe a buckler, vntill he was relieved by captein Montacute.

Of the pryvate men escaped by flight, but more hidd themselves lyke fearefull hares in the furres, all which were by a martiall courte condemned to dye, which sentence was yet mittigated by the Lord Lieutenants mercy, by which they were onely decimated by lott, soone after his Lordships returne to Dublin; the capt^{s}. were accused in a martiall courte of cowardize and omission of their duties, where as I have heard they discharged themselves honorably, but Welsh, lieutenant to Capt. Adam Loftus, was founde culpable of either error, and therefore sentenced to be shott.

The lord Lieutenant had not sooner refreshed his army after the painfull jorney of Munster, but he led a parte of the same into Ophaly, now called the kinges countye: but before his Lordship departed himselfe from Dublin, he sent the Lord Marshall with a sufficient force into the Queenes county to vitle the forte of Mariburge, and as I supose to suppresse as much as was possible, the insolency of the O'Mores, which are the capitall rebells of that cuntrye. He sent lykewise at the same tyme the sergeant major into Ophaly, whome his Lordship overtooke not far from Phillips towne, the head towne of that shire, which his lordship supplied with munition and vittles, viewing in the waye the grownde, which not many daies before Capt. William Williams, sallyinge forth of the towne with 300 men to recover a pray taken that morninge by the rebells, loste 60 of his men, which fell improvidently betweene three enemies ambuscados.

The next morninge after the Lord Lieutenant had joyned to him the sergeant major, his Lordship conducted his forces, which exceeded not the number of 1200 foote, and 200 horse, out of the Kinges county into the county of Westmeath

meath making his waye over a trench strengthned with a duble ditch, where the rebells presented no resistance, although they were in sight 600 stronge, and had such advantage of grownde both for wood and bogge, as they might have made our passage very difficult, yf not altogether prohibited the same. But although they abandoned the advantage which was presented them in the morninge, yet omitted they not to take their opportunitie in the afternoone, enterteyning with contynuall skirmish the sinister winges of our army, which for 4 myles togeather were flancqued both with woode and bogge, which advantage of grownd turned to their disadvantage in prooffe, for they being made bold thereby, lost this daye one of the Connors, a principall comaunder amongst them, and about 40 pryvate men, we receiving no losse and almoste no hurte.

A porcion of the county of Ophalye is called Fergall, a place so stronge as nature could devise to make yt by wood and bogge, with which yt is environed, which for the naturall strength thereof, the rebells in those partes have ever since the beginninge of these warres made a storehowse for all their prayes, peaceably enjoyinge there without molestacion what they had injuriously robbed from other parties. In Fergall from Derrow (whether the lord Lieutenant parposed to conduct his army) leadeth awaye throughe a thick woode, and over two fordes, both of them (besydes their naturall difficulties) entrenched and plashed in such manner, (as his Lordship was perswaded by them to whome the cuntry was well knowen) to leave the accustomed waye, and to passe the ryver Derrow by a bridge which his Lordship caused to be made, to which worke the rebell gave no impediment; although that for the advantage of the place, he might with a very small number and without any losse have defeated the passage. The army aryved that night late at Ballycowen, halfe a mile from which is Ardenegroffe, whether S^r. Conyers Clifford, governor of Connaght, was come with 9 companies of foote, according to direction which the lo: Lieutenant had geven him by his letters not many dayes before: S^r. Conyers Clifford was sore fought with all his entrance into Fergall having 10 men slayne and 40 hurte, which losse was by the vertu of his men dobled vpon the rebell of whome were slayne and hurt about 100. In this skirmish, was of singular note the vertu of S^r. Griffin Markham whome the governor comended to the Lord Lieutenant for having made demonstracion of his forwardnes, even to the undertakynge of the duty of a sergeant.

In the morninge after the Lo: Lieutenant had a while enterteyned the governor in pryvate, his lordship devided his forces into 3 partes, sending into the woodes whether the rebells wer retyred with their cowes, 500 choice men under the conduct of Sr. John mac Coughlin, and Sr. Theobald Dyllon, and as many another way under the comaund of Sr. Christopher St. Lawrence; his Lordship with the rest of his forces of hors and foote took the fittest places, from whence he might either second or serve for a retreit to the rest in any extremytye. The enemies fearinge to loose his cowes, entred skirmish with us, but yet so fearfully (seing the Lo: Lieutenant ready for any advantage) and with so small resystance, as their lives seemed more precious unto them then their cowes, upon which Sr. Christofer St. Lawrence fell, who with a great slaughter of the rebells returned with 500 cowes and 60 garrans; the lyke fortune had Sr. John mac Coughlin and the rest with him. This attempt was made with such resolucion in the soldiors and discretion in the leaders, that yt bredd such a terror in the rebell as after that daye he never durst appear in sight, but hid himselfe from place to place in the woods from whence he could not easely be chased. The Lord Lieutenant seinge yt but lost tyme to hunt after them, the yeare spending faste, and the weather being unseasonable, having dispatched away Sr. Con: Clifford into Connaght, returned by easy jorneyes not many dayes after to Dublin, where his Lordship was certefyed of the unfortunate defeat and loss of Sr. Con: Clifford in the Corleus, the manner whereof, as I hard yt related, was in this manner.

A BRIEF RELATION OF THE DEFEAT IN THE CORLEUS THE 15. OF AUGUST 1599.

Sr. Conyers Clifford, governor of Connaght, going to the releefe of Connor Sligo with 1900 men vnder 25 ensignes and about 200 English and Irish horse, came to the entrance of the Corleus the moste dangerous passage in Connaght the 15 of August, about 4 a clocke in the afternoone, being then highe tyme to lodge his men after a paynefull jorney, where understanding that the rebells had not possessed that passage, he resolved to march thorow the same night; whereupon putting his troops in order, the vanguard was conducted by Sr. Alexander Ratclif; the Lord of Dunkellin sonne to the erle of Clanricchard followed with the battell, and Sr. Arthure Savadg brought up the reare guarde. The horse (where also the baggage was left,) had directions to stand betweene the abbey

of

of Boyle, and the entrance into the passage, under the comaund of Sr. Griffin Markham, until the same should be freed by the foote about a quarter of a myle from the mowth of the passage, had the rebells traversed the same with a barri[ca]do with doble flancks, in which and in other places of advantage thereabouts were lodged about 400 of them, contrary to that which was advertised to the governor. They which possessed the barricadoes, at the approach of our vantguard, delivered a small volly of shott upon them, abandoninge the same allmoste without any force, which the governor possessing made yt passible by openyng the midst, and placed guardes upon the same, appoyntinge to the angle of the sinister flancke Rogers, lieutenant to Sr. Hen. Carye, to the angle of ye Dexter flancke, Rafe Constable (a gentleman deservedly esteemed of the governor for his vertu) and not much distant from him upon the same flancke, Capt. Water Fludd and Capt. Windsore gevinge to them 40 men a piece, with comaundement that they should not abandon their places untill they heard further from himself. Thinges being thus ordered, the vantguard, followed by the batle and rearguard, advanced in short tyme by a narrow waye betwixt 2 large boggs to the syde of a woode halfe a myle broade, through which lyeth a highe waye so broade as yt geveth liberty for 12 men to march in front, the same rysinge equally and gently untill yt have passed the woode where yt is caryed upon the syde of a high hill, which yt leaveth on the left hand and ye hill and grownde adjoyninge being a mayne bogg, vpon the right hand lyeth a thicke woode not more than muskett shott from the same, in either of which places, although the rebell from their contynuall practiz, have exceeding advantage of our men, yet have they more advantage upon the bogge, which they well knowinge made at this tyme choice thereof, and even thither were followed by Sr. Alex. Ratcliff, who although he were in the beginninge of the skirmish shott in the face, yet he ever contynewed to spend all his powder upon them; and no supply coming unto him, prepared to charge them with a small number of such choice pikes as would either voluntarylie follow him or were by him called forth by name from of the body of the vantguard; but before he could come to joyne with them, he had the use of a legg taken from him with the stroake of a bullet, by which ill fortune he was forced to retyre, susteyned upon the armes of 2 gentlemen, one of which receivinge the lyke hurte, died in the place, as did also himselfe, soone after, being shott throughe the boddy with a bullet.

There

There was with Sir Alex: Ratcliff in the head of the vantguard Capt. Henry Cozbye, whome at his goinge to chardge he invited to accompany him; and perceivynge him slacke, "well, Cozsby," said he, "I see I must leave thee to thy basenes, but I must tell the before my departure, that yt were much better for the to dye in my company by the hands of thy countrymen, then at my returne to perish by my sworde;" but Cosby, which is the generall disposition of all tru cowards, yeelding to have the terme of his lyfe a while deferred upon any condition, stood fyrme with at least a third parte of the vantguard untill he see the adversyty of this noble knight, when by example of his turninge heade the vanguarde fled in such route, that yt discomfited the batle with ye sight of which (not abiding any impression,) was broken the rearguard, the whole forces being almost without any enemyes force in a moment put all in confusion, which disorder the governor endeavouringe (but in vaine) to reforme, whilest he had any strength left in him, was after much fruitless travell, susteyned breathless upon the armes of S^r^. John mac Swine and Capt. Olyver Burkes lieutenant, who perceivinge the disordered flight of the whole army (disparing to save their lyves by other meanes) perswaded him to retyre himselfe with them; when he reproovinge the basenes of his men replyed Romane lyke, that he would not overlyve that daies ignomynye. But that affection which mooved S^r^. John Mc. Swyne to vse intreatyes, perswaded him now to practiz force, by which they caryed him from the pursewing rebells some few paces, where enraged with a consideration of the vildenes of his men which he often repeated, brake from them in a fury, and turning head alone, alone made head to the whole troopes of pursewers in the midst of whome after he was stroake through the body with a pyke, he dyed fighting, consecrating by an admyrable resolucion the memory of his name to inortallitye, and leaving the example of his vertu to be intytuled by all honorable posterities. There died lykewyse Godred Tirwhit, brother to Mr. Robert Tyrwhit of Ketleby in Lyncolnshire, fighting by the syde of S^r^. Alex. Ratcliff, of whome cannot be sayde lesse, then that he hath left behinde him an eternall testemony of the noblenes of spiritt, which he had deryved from an honorable famylye. But these went not alone, for they were accompanied to the gates of death by dyvers worthy, both lieutenants and ensignes, who were followed, (for that they were not followed by them to fight) by 200 base and cowardlye raskalls. The rest which els had all perished were saved

saved by the vertu of Sr. Griffin Markham, who chardginge the pursewers in the head of my Lo: Southamptons troope gave securitie to this ignominious flight, having in his chardge the smaller bone of his right arme broken with the stroake of a bullett, and that which addeth moste to the comendation of his chardge is, that it was presented upon the narrow waye between the two boggs before mencioned, and forced with the losse of some both men and horses into the bogg vpon the right hand, where the rebells followed eagerly the execution of our men, untill the feare they apprehended vpon the sight of our horses, caused them to stay their pursuite and to thinke upon their owne safetye.

This defeat was geven by O'Rvrke and mac Dermon O'Donell being there but came not to fight, to whome the governors head was sent that night for a present; his bodye was conveyed to a monastery not far from thence, as appeareth by mac Dermons letter to the constable of Boyle, which is censured by Sr. John Harrington (from whom I received a coppy of yt) to be barbarous for the Latyn but cyvill for the sence. For confirmacion of whose judgment the letter yt selfe is contented by my hand for justyfication of his barbarisme to appeare before as many as will vouchsafe to read yt.

Conestabulario de Boyle salutem: Scias quod ego traduxi corpus gubernatoris ad monasteriū Sanctæ Trinitatis propter ejus dilectionem, et alia de causa, si velitis mihi redire meos captiuos ex predicto corpore, quod paratus sum ad conferendum vobis ipsum; alias, sepultus erit honeste in predicto monasterio et sic vale, scriptū apud Gaywash 15 Aug. 1599: interim pone bonū linteamen ad predictum corpus, et si velitis sepelire omnes alios nobiles, non impediam vos erga eos.

Mac Dermon.

By this lettre is too truly interpreted a troublesome dreame of the governors, which he had about a yeare before this defeat, when being wakened by his wife out of an unquiet sleepe, he recounted unto her, that he thought himselfe to have beene taken prisoner by O'Donell, and that certen religious men (of compassion) conveied him into their monastery where they concealed him, and so indeed as he dreamed or rather prophesied the monastery hath his boddye, the worlde his fame, and his frends the want of his vertu.

A BRIEF RELATION OF WHAT HAPPENED IN THE EXPEDITION OF THE LORD LIEUTENANT GENERALL OF IRELAND TOWARDS THE NORTH PARTE OF THAT KINGDOM, FROM THE 28 OF AUGUST UNTILL THE IX. OF SEPTEMBER 1599.

No rebell in Ireland being able to contynew long without holdinge correspondency with Tyrone, and receyving of ayde from him, I cannot thinke they erre, who are of opinion that he (before any other rebell) were by her Maiesties forces first to be taught his obedience, which no doubt hath beene and is the judgment of the Lord Lieutenant Generall of Irelande. But that kingdome, being at his lordships first landinge, either wholly entred into rebellion, or inclyninge to favor them which were allready in action, the northern frontiers being (besides their naturall sterillity) soe wasted by Tyrone, that they denyed meanes not to susteine men but catle, and which is of as great consequence as any other consideration, his lordships army being then raw and unexperienced, yt seemeth to my weake sence to have beene agreable to all pollicy both of state and warr to have first visited ye weaker rebells, against whome his lordship having performed so much as hath beene declared in my former relations; and assured the south and west frontiers of ye English pale, by sufficient garrisons. He departed from Dublin towards castle Kerran, a village not farr from Kelles in Eastmeath, where he mustred 2700 foote and 300 horse, conducting them by the shortest way towards Donnemaine in Ferny, purposing to plant there a garrison; for that from that place might be offended comodiously all the rebells bordering upon Blackwater. In this jorney his lordship visited Louth, which towne (althoughe yt stande conveniently to receive a garrison,) yet bycause yt could not be fortefied without much chardge, tyme and travell, his lordship repayred Ishleragh, a village neare Louth, placing in the same two dayes after seaven companyes of foote, and a troope of horse. Whilest this worke was in hand, S^r^. William Warren obtayned leave of his lordship that he might treate with Tyrone (who laye then encamped not above thre myles from vs, with ten thowsand foote and a thowsand horse) for the deliuerye of Capt. John More, taken prisoner not many daies before in Ophaly. Tyrone professinge to S^r^. William Warren to have had a long tyme a great desyre to make his submission, and entreated the Lord Lieutenant by him that he would be pleased to receive a message from him by Henry Agen his constable; who being permitted to have accesse unto his

his Lordship that night, entreated that his lordship would vouchsafe to parly with his master the next daye, to which the Lord Lieutenant said that he would in the morning draw forth into the field and be readdy by ten a clocke to parly with him, with his sword in hand, and that Tyrone might know him he comanded to be shewed to Agen his horse and armes, sayinge that he would send to Tyrone to know the markes lykewise of his, to the end they should not mistake one the other in the field, where sayd he to Agen, yf thy master have any confidence either in the justnes of his cause, or in the goodnes and number of his men, or in his owne vertu, of all which he vaynelye glorieth, he will meet me in the field so far advanced before the head of his kerne as myselfe shalbe separated from the front of my troopes, where we will parlie in that fashion which best becometh soldiors; which sayd, he licensed him to departe.

Early in the morninge the Lo: Lieutenant havinge appointed a sufficient number both of foote and horse, which he ordered in forme of a Saltier or Sanct Andrews cross, placing upon eche flaneque (which served for winges,) 100 hors, appoyntinge lykewise to follow the army not much behynde the rearwarde an entier grosse of 100 horse, that out of the same might both be sent out seconds to any distressed parte, and also that in a generall adversytye yt might stand to make the retreat of the whole army. In this order his lordship marched through an open champion, untill he came within a myle, or thereaboutes, of Tyrones camp, which (besydes the naturall strenth thereof) was so strongly fortefyed by arte and industrye, as yt appeared to them, who had seene the woorkes, impossible to be forced by twenty tymes our number.

When the Lord Lieutenant had expected in this place some howres in battell, a small number of Tyrone's horsmen shewed themselves a farr off from our troopes, one of which callinge to ours tould them that Tyrone desyred much to speake with his lordship, and humbly entreated the same. But that tyme and place he thought not fitt, for that their parlye might be a cause to bringe the troopes to blowes, which he studyinge by all meanes to prevent, had purposely conteined himselfe with his whole forces within the lystes of his campe; which so soone as the lord Lieutenant understoode (making his reare the vantguard) he returned to his campe in his first order. Tyrone beinge resolved not to fight upon equall grownde, and the Lord Lieutenant not having sufficient forces to attempt his campe, he resolved by the advice of his counsell, to returne backe

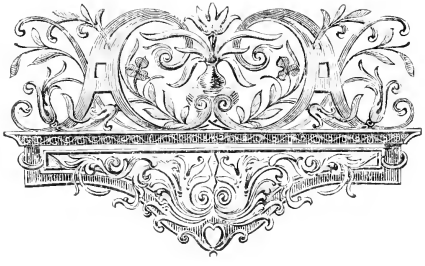
into Meath, and directing his march accordingly the next mornynge towards Nabber, which his Lordship had perposed to fortefye and to plant a Garrison, he was overtaken by Hen: Agen, who having don his dutye to his Lordship, he lett him understand (speaking so lowd as all might heare that were present) that Tyrone desyred the Queenes mercy, and intreated to speake with his Lordship concerninge the manner of making his submission, addinge further that Tyrone attended his Lordships pleasure at a forde called Bellaclyne, not halfe a myle out of the waye of the army upon the right hand of the march, which being instantly viewed by such as his Lordship sent thither, they fownde the place convenient and Tyrone attendinge there unaccompanied, to whome his Lordship hasted, but not before he had sett a guard upon the baggage, and put both foote and horse in perfect order to fight; bycause that tymes of treaties and parlies have ever beene held for moste suspected.

Before the Lord Lieutenant was fully aryved at the foarde Tyrone tooke of his hatt and enclyninge his body did his duty unto his Lordship with very humble ceremony, contynewynge the same observancy the whole tyme of the parlye. It was first emparled betweene themselves in pryvate, and then before six on either partye. With the Lord Lieutenant were the earle of Southampton, S^r. Georg Bourchier, S^r. Warham S^t. Leger, S^r. Henry Danvers, S^r. William Constable, S^r. William Warren. On Tyrones parte were Cormoc mac Baron, mac Guinies, Evard mac Cowleye, mac Guyre, Henry Ovengton and Richard Owen; where yt was concluded that there should be a cessation from armes for six weekes, and the warr to be renewed at the Lord Lieutenants pleasure, gevinge 14 dayes warninge. It was further agreed, that yt should be lawfull for all them that were now in action, to participate of the benefyte of this cessation, which if any refused or neglected, they should be lefte by Tyrone and all his adhearents, to be prosecuted by her Maiesties army. For performance of which agreement the Lord Lieutenant bownd himselfe in the honor of his woorde, and Tyrone tyed himselfe by oath taken the next daye followinge by 4 comyssioners, S^r. Warham Senleger, S^r. William Constable, S^r. William Warren and Henry Wootton, secretary to the Lord Lieutenant, of whome he is as worthely esteemed for his rare quallities as he is deservedly loved of all others for his vertues, and therefore thought the onely man in the armye fittest among the rest of the commissioners, that by the weight of his judgment, might be counterpoyzed

poyzed the sharpnes of Hen. Ovengtons witt, Tyrones cheefest counsellor. There were sent with the comissioners for their guarde, certeine troopes of horse, with whome remayned as pledge untill the returne of the comissioners, Evard mac Cowlye, Hen. Agen and Shane mac Donnell; Henry Ovengton (without whome Tyrone deliberateth of no matter of moment) was nonynated for the fourth pledge, but Tyrone intreated the comissioners y^t^ they would rest satisfied with the others, and that Ovengton myght remayne with himselfe.

If there be either fayth in Tyrone or truth in them that are most of his counsell, he desyreth nothing more then peace, which at this tyme had beene concluded, but that he resteth bownde to the Spaniarde by oathe to contynew in armes, yf the Spaniard shall lande such forces in England as might possesse and holde any place in that kingdome; which not succeedinge by the end of this moneth, he hath faythfully promysed to the Lord Lieutenant to submitt himselfe to the Queenes mercy. Of the performance of which promise there is more hope for some important reasons, then for any truth which hath beene fownd in himselfe. For, first, his yeares (which are drawinge to three score) may moove him to desyre quiet; next the establishment of his greatnes in his posterytye, which he can not doe by the custome of Tamistrye, if he should dye and leave his children yonge. Thirdly, the feare which he may conceive of her Maiesties power, if she shall once resolve to presse him in dyvers partes at the same instant. And lastly, a desyre which he may have to preserve that infinite masse of wealthe, which he hath by injustice and rapine heaped togeather, which els wilbe in shorte tyme exhausted, by the maynteyninge of his Bonaghs, and susteyninge them whom he hath robbed.

So soone as this conclusion was made with Tyrone, the Lord Lieutenant dissolved his army, and havinge lodged his men in such garrisons as served beste to preserve the subject, he retyred himselfe to Droghedagh, from whence after some few dayes he returned to Dublin.



NOTES.

Page 5, *line* 2.

THE north point called Thorach.—By reference to Giraldus Cambrensis, Topographia Hiberniæ Distinctio Prima, cap. II. it is evident the place here intended is Torre, or Tory, Island, off the coast of Donegal, on which there was a monastery of St. Columba. The words of Giraldus are, "usque Columbinam insulam, quæ Thorach dicitur."

The contents of Ireland are thus given, in the MS. Collections of Christopher Cusake, of Gerardstown, who was Sheriff of Meath, in 1511.—*MS. Trin. Coll. Dub.* (E. 3, 33).

"Hit is to be remembred that Irland conteyneth in leyth, from Knockbrandane in the sowth, the w^{c}. is west and by north Set Michaell is Mount in Cornwalle, unto Celmane is ilande, either we call it the Torragh, in the north of Ulister, w^{c}. is west upon Donfrise in Scotland, foure undreth mile in leyth, and in bredth from Dwleing [Dublin], w^{c}. is South west from Chester, unto Chrogh Patricke be West Galwaye in Connaght, two undrith miles, w^{c}. is prowit by divers carts."

Some sentences in the first pages of this 'Treatice' agree, almost word for word, with sentences in Campion's third chapter of the Historie of Ireland, and with others in the second chapter of Stanyhurst's Description of Ireland, and are all translated from some passages in the Topographia Hiberniæ.

Page 5, *line* 10.

Hot wynes.—"Vineis enim et earum cultoribus semper caruit, et caret, hæc insula. Vina tamen transmarina ratione commercii tam abunde terram replent, ut vix propaginis proventûsque naturalis in aliquo defectum percipias. Pictavia enim de plenitudine sua ei copiose vina transmittit, cui et animalium coria, et pecudum ferarumque tergora Hibernia non ingrata remittit."—*Top. Hib. Dist.* 1$^{ma.}$ c. v.

In Dymmok's time Spanish wines had supplanted those of Poictou. Stanyhurst says,

says, 'Utuntur, pro panchresto medicamine, ignito quodam vino, nullo alio liquore permixto, quod communiter Aqua vitæ dicitur, cujus ardore cibus facilior ad concoquendum redditur. Hoc potionis genus intimo artificio instillant, adeo ut flammulâ admotâ totum, quasi bellicus pulvis [gunpowder], raptim ignescat. Ingentem vini vim emunt in vicinis opidis, Hispani præsertim, quod Regis Hispaniarum filium, per risum ac jocum, solent nominare; utroque temeto, epotis plenis œnophoris, se obruunt.' *De Rebus Hibernicis*, p. 38. Stanyhurst's fiery wine seems to have been plain whiskey; but Moryson says that the Irish usquebagh is to be preferred to the English Aqua vitæ, because by mingling raisins, fennel seeds, and other things, they mitigated its heat, and made it more pleasant, less inflaming, and more refreshing to a weak stomach.—*Fynes Moryson's Itinerary*, Part iii. p. 162.

Moryson adds, "These drinkes the English-Irish drink largely, and in many families (especially at feasts), both men and women vse excesse therein. And since I have in part seene, and often heard from others' experience, that some Gentlewomen were so free in this excesse, as they would, kneeling vpon the knee, and otherwise, garausse health after health with men; not to speake of the wiues of Irish Lords, &c., who often drinke tell they be drunken . . . ." For an affectionate eulogy on "this sovereigne liquor, if it be taken orderlie," see *Stanyhurst's Description of Ireland*, chap. ii.

"Shane Oneile had most commonlie two hundred tunnes of wines in his cellar at Dundrun, and had his full fill therof, yet was he never satisfied till he had swallowed up marvellous great quantities of uskebagh, or aqua vite of that countrie: wherof so unmeasurablie he would drinke and bouse, that for the quenching of the heat of the bodie, which by that meanes was most extremelie inflamed and distempered, he was eftsoones conveyed, as common report was, into a deepe pit, and standing upright in the same, the earth was cast up round about him up to the hard chin, and there he did remaine untill such time as his bodie was recovered to some temperature."—*Hooker in Holinshed*, p. 331.

Page 5, *line* 14.

For the tenant doth not hold.—For some of the causes and some of the evils of these uncertain tenures, see Spenser's View of State of Ireland, pp. 133–4, 8vo. Ed.

Page 5, *line* 21.

And porkes.—The Irish preferred pork to all other meat. When a follower of O'Neal was asked if veal was not better than pork, he replied, "you might as well ask if you were not a greater man than O'Neal."—*Stanihurst de Reb. Hib.* p. 38.

Page 5, *line* 23.

Spanish Genetts.—"The Horsses are of pase easie, in running woonderfull swift, in gallop both false and full indifferent. The nag or the Hackenele is very good for travelling,

travelling, albeit others report the contrary, and, if he broken accordinglie, you shall have a little Tit, that will travell a whole daie without anie bait. Their Horsses of Service are called Chiefe Horses, being well broken they are of an excellent courage. They reine passinglie and champ upon their bridels bravelie, commonly they amble not but gallop and run. And these Horsses are but for skirmishes, not for travelling, for their stomachs are such as they disdain to be hacknied, thereof the report grew that the Irish Hobbie will not hold out in travelling. You shall have of the third sort a bastard, or mongrell, hobbie, neere as tall as the horsse of service, strong in travelling, easie in ambling and verie swift in running. Of the horsse of service they make great store, as wherein at times of need they repose a great peece of safetie. This brood Volaaterane writeth to have come from Austurea, the countrie of Hispaine, betweene Gallicia and Portugall, whereof they were named Austurcones, a name now properlie applied to the Hispanish genet."—*Stanyhurst Descrip. of Ireland*, chap. ii.

Camden also praises the Irish horse, and mentions the peculiarity of his gait. "Equi item optimi (hobies vocamus) quibus non idem qui cæteris in cursu gradus, sed mollis alterno crurum explicatu glomeratio."—*Hibernia*, p. 727, Ed. 1607.

Page 6, *line* 1.

Very good Hawkes.—Irish Hawks were sought for the Royal Mews. In 1359, William de Troie, keeper of the King's Hawks, was sent into Ireland, where he bought six great Hawks (Austurcos), and six Tercells (tercellos) which were paid for from the Treasury.—Rot. Claus. 32 Ed. III. 25, 28, 1ª. Pars. vide Rotulorum Cancellariæ Hiberniæ Calendarium. An Act of 20th Edward IV. recites that Goshawks, Tiercells, and Falcons, were formerly in great plenty, but had become scarce from the number carried away by merchants; it therefore directs that 13*s.* 4*d.* be paid for every Goshawk, 6*s.* 8*d.* for every Tiercell, and 10*s.* for every Falcon exported.—*Ledwich's Antiquities*, p. 368.

In 1535, Pierce Earl of Ossory writes to Walter Cowley, his trusty servaunt. "I doo send at this time three Gosshawks, one olde and twoo yonge hawkes, wherof I will that Maister Secretary (Cromwell) doo chewse twoo hawkes, and that my Lord Chauncellor may have the thirde hawke, and that as few know thereof as ye may, and specially that my Lord of Wilshire (Sir T. Boleyn) know not thereof."—*State Papers*, Part III. vol. ii. p. 272. And in 1542, Sir A. Sentleger sent 5 goshaulkes from Ireland as a present to Henry 8th.

Pierce Earl of Ormonde and Ossory had a noble hunting establishment, maintained by his tenants and freeholders in Kilkenny and Tipperary. In 1525, the Earl of Kildare charged him with having "contynually taken coigne and liverey of all the Kinges subgiettes within the counties of Kilkenny and Tipperary, not only for his horsemen,

horsemen, kerne and galloglass, but also for his masons, carpenters, taillours, being in his owne werkes, and also for his sundry Huntes, that is to seye, 24 personnes with 60 Grehowndes and howndes for Dere hunting, a nother nomber of men and dogges for to hunt the Hare, and a thirde nomber to hunte the Martyn; all at the charges of the Kinges subgiettes, mete, drinke, and money; the hole charges whereof surmountith 2000 markes by yere."—*State Papers*, Pt. iii. vol. ii. p. 121.

Page 6, *line* 2.

Store of sheep.—According to Giraldus, Irish sheep in his time were black, Top. Dist. III[a.] cap. x. a peculiarity which, if it ever existed, must have ceased before the 16th century, as it is not mentioned by Campion or by Stanyhurst. Both Giraldus and Stanyhurst assert that the Irish sheep were shorn twice in the year.

Page 6, *line* 15.

Fostering.—Giraldus, Top. Dist. III[a.] c. xxiii. says that the Irish have no affection for their brothers, and that if they have any love at all it is for their foster children, and those who have been nursed with them, "alumnis et collactaneis."

Page 6, *line* 18.

The people are.—This character of the Irish is abridged from Campion, and some of the most distinguishing features omitted. Campion says, "The people are thus inclined; religious, franke, amorous, irefull, sufferable, of paines infinite, very glorious, many sorcerers, excellent horsemen, delighted with warres, great alms-givers, passing in hospitalitie. The lewder sort, both Clarkes and Laymen, are sensual and loose to Leachery above measure, the same, being vertuously bred up or reformed, are such mirrours of holinesse and austeritie that other nations retain but a show or shadow of Devotion, in comparison of them. As for abstinence and fasting, which these days make so dangerous, this is to them a familiar kind of chastisement, in which vertue and diverse other, how farre the Best excell, so farre in gluttony and other hatefull crimes the Vitious they are worse than too bad. They follow the dead corpses to the grave with howlings and barbarous outeryes, pittifull in apparance, whereof grew (as I suppose) the Proverbe, to weepe Irish. The uplandish are lightly abused to believe and avouche idle miracles and revelations vaine and childish; greedy of praise they be, and fearefull of dishonour, and to this end they esteem their Poets who write Irish learnedly, and penne their sonnets heroicall, for the which they are bountifully rewarded, but if they send out libells in dispraysе, thereof the Gentlemen, especialy the meere Irish, stand in great awe. They love tenderly their foster children, and bequeathe to them a childes portion whereby they nourish sure friendshippe, so beneficiall every way,

way, that commonly five hundredth kyne and better are given in reward to winne a noble man's childe to foster. They are sharp witted, lovers of learning, capable of any studye whereunto they bend themselves, constant in travaile, adventerous, intractable, kinde hearted, secret in displeasure."—*Historie*, Book 1. chap. v.

Page 6, *line* 29.

To be Thamist.—For the law of Tanistry see Harris' Ware's Antiquities, chap. xi.; Spenser's View, p. 10; and Sir J. Davies' Historical Tracts, p. 127.

Page 7, *line* 14.

Theire forces.—Abridged from Stanihurst de Rebus Hibernicis, p. 40–1, where it is said that the axe of the Galloglas, which must have resembled a Jedburgh axe, was as sharp as a razor. Giraldus says that in his time the Irish obtained axes from the Ostmen or Norwegians, and that with one stroke of such an axe the thigh of a knight completely covered with armour was cut through, so that the leg fell on one side of the horse, and the body on the other.—*Top. Hib. III. Dist.* c. x.

It is not clear why the Galloglas's axe should have been called a spear. A Galloglas in armour is depicted in the map of 1567, published in State Papers, Henry VIII.

Page 7, *line* 16.

They ride upon paddes.—In the time of Giraldus the Irish rode without saddles, "nudi et inermes."—*Top. Hib. Tert. Dist.* cap. x. In Richard II.'s second expedition "M'Morough rode to a conference with the Earl of Gloucester on a horse without saddle or housing, which was so fine and good that it had cost him, they said, four hundred cows, for there is little money in the country, wherefore their usual traffic is only with cattle. In coming down the hill it galloped so hard that in my opinion I never, in all my life, saw hare, deer or sheep, or any other animal, I declare to you for a certainty, run with such speed as it did. In his right hand he bore a great long dart which he cast with much skill. Here see the appearance that he made exactly pourtrayed."—*Translation of Metrical History of the Deposition of Richard II.* Archæologia, vol. xx. p. 40. The figure of M'Morough, which is given in the MS. in the British Museum, is engraved as a vignette in the third volume of Moore's History of Ireland.

Amongst the ordinances for Ireland, published in 1534, is the following: "Item that every gentylman of thInglyshrie which may dispende 20£ by the yere, shall ryde in a saddell and weare Inglyshe apparel, within the same, upon peyne of forfeyture of 100s, excepte in warre."—*St. Papers*, vol. ii. Pt. iii. p. 216.

Spenser says that the Irish horseman's strong brass bit, his sliding reins, his shanke pillion without stirruppes, his manner of mounting, his fashion of riding, his charging

of his spear aloft above head, the form of his spear, were brought by the English into Ireland, "neither is the same accounted an uncomely manner of ryding, for I have heard some great warriours say, that in all the services which they had seene abroade in forraigne countreyes, they never saw a more comely man than the Irish man, nor that commeth on more bravely in his charge—neither is his manner of mounting unseemly though he lacke stirruppes, but more ready then with stirruppes, for in his getting up his horse is still going."—*View*, p. 116.

Page 8, *line* 3.

Musket.—In Stanyhurst's time the Irish made gunpowder, and took good aim with bullets.—*De Reb. Hib.* p. 42.

Ibid.

The Dolonges.—"Item, the Horsemen of this countre to the charge of the poore fermors have usid to have hymself 3 horseis, 3 horseboyes; and many of them one other boye, to keep his spores and hose, and to make them clene, namid a Dalten."—*St. Papers*, vol. 2. Pt. III. p. 505. "Ultimus omnium ordo cursorum numero concluditur, quos Hiberni Daltinos, nos Latine scurras velites seu servos a pedibus, nominare possumus."—*De Reb. Hib.* p. 43.

Page 8, *line* 12.

Bonaght.—In the Latin Indenture of Tyrone and O'Donell it is called Bonaginm.—*State Papers*, vol. iii. p. 480. It is called Bonneh or Boyne, *Ibid.* vol. ii. p. 511. Harris mentions Bonaght bur, which was free quarter at discretion, or in specie, and Bonaght beg, which was a commutation for it in money or provisions, according to agreement with the Lord, though it was generally imposed at his will, which the Tenant could not contradict. The soldiers thus supported were sometimes called Bonaghts.—*Ware's Antiquities*, c. xii. For some extraordinary exactions levied upon Tenants in 1537 see *State Papers*, vol. ii. Pt. iii. p. 510.

Page 8, *line* 27.

Soren.—Sorohen.—*Ware's Antiquities, ut supra.*

Page 8, *line* 33.

Coyne.—This wicked custom of coin and livery was originally Irish, for they used to lay Bonaght on their people, and never gave their souldiours any other pay, but, when the English had learned it, they used it with more insolence and made it more intolerable.—*Sir J. Davies, Hist. Tracts*, p. 132. Baron Finglas says that coin and livery would destroy Hell if the custom were used there.—*Breviate*, see *Hibernica*, p. 83. And the Statute

10 Hen. VII. c. xviii. calls it a damnable custom. By this Statute, which made it treason, "no man can goe into another man's house for lodging, nor to his own tenant's house to take victual by the way, notwithstanding that there is none other meanes for him to have lodging, nor horse meat nor man's meat, there being no Innes, nor none otherwise to be bought for money, but that he is endangered by that Statute for Treason, whensoever he shall happen to fall out with his tenant, or that his said Hoste list to complain of grievance, as oft times I have seen them very malitiously doe thorough the least provocation."—*Spenser's View*, p. 52.

Page 9, *line* 21.

Coshery.—In 1524 the Earl of Kildare bound himself not to take or use coshers, nor codeys, nor suffer any other person to take any such coshers or codeis.—*St. Pap.* vol. ii. Pt. iii. p. 113.

Page 9, *line* 26.

Teignie.—Harris says, "Gilletinny was another kind of imposition, the sense of which I am ignorant of, unless it means a tax for finding fewel for the lord's house. Gilla signifying a servant, and Teine fire."—*Ware's Antiq.* ut supra.

It must be remembered that the right (such as it was) of the Irish lords to make these exactions fell to the Crown by their several forfeitures, and that the Crown acted with wise liberality in regranting the lands free from these arbitrary charges, and in protecting the subtenant from their revival by its grantee.

Page 9, *line* 31.

Black rents.—Were a tribute paid by the occupiers of lands and the inhabitants of towns to their more powerful neighbours, whether English or Irish, to induce them to abstain from plundering them.—*State Papers*, vol. iii. Pt. iii. 427. This exaction corresponded with the Black Mail of Scotland, well known to the readers of Waverley and Rob Roy, and is confounded by Dymmok with the "Errikes and Sautes otherwyse called Raunsomes paid for any mourder or manslaughter."—*Ibid.* vol. ii. p. 211. In 10 Hen. VII. c. xi. it is stated that diverse persons for the death of any of their friends or kinsmen, are accustomed to brenn, slay & robbe, as many as beareth the name of him that is slain (*that slew him*), and will compel all such persons as are of his name, howbeit he was not of his blood, "to pay Assaut, that is, to depart with the most of their goods by ways of amends:" this enforced compensation is forbidden under penalty "de vie et de member."

Page 10, *line* 8.

The Ecclesiastical Estate.

Names of Bishoprics as given by Dymmok, in 1599.	*Names of Bishoprics, as given by Camden, from an old Roman Provincial(a).*	*As given by Bingham, Ecclesiastical Antiquities*, vol. ii. p. 391, *from a Provinciale Romanum, published by Carolus a Sancto Paulo(b).*	*As given by Hoveden, Annales*, A. D. 1172.	*As given by Keating, at the Synod of Rath Breasail, in* 1118, vol. ii. p. 267.	*Modern Names.*
Dublin, Glandalon,	Dublinensis, Glendelacensis,	Dublinensis, Glendelacensis,	Dublinensis, Bistaghnensis,	. . . Glindaloch,	Dublin. Glendaloch.
Kildare,	Kildarensis alias Darensis,	Darensis,	Kindarensis,	Kildare,	Kildare.
Leighlin,	Lechlinensis,	Licelinensis,	Leghglensis,	Laghlin,	Leighlin.
Ossory,	Osseriensis alias de Canic,	Ossinensis,	Erupolensis ?	Killcuillin,	Ossory.
Ferne,	Fernensis,	. . . .	Fernensis,	Fearna or Wexford,	Ferns.
		Caldetensis or Kiscarensis,	. . . .	. . .	Kildare ?
		Glensis or Gluisonensis,	. . . .	. . .	Leighlin ?
		Gaininch,	. . . .	. . .	Canice or Ossory ?
Toam,	Tuamensis,	Tuamensis,	Tuaimensis,	Tuam,	Tuam.
Dua,	Duacensis alias Kilmacduoc,	Duacensis,	. . . .	. . .	Kilmacduagh.
Aladen(c),	Ladensis alias Killaleth,	Bladensis,	Kinlathensis,	Killala,	Killalla.
Elfine,	Elphinensis,	Nelfinensis,	Aelfinensis,	. . .	Elphin.
Killmakou(d),	. . .	. . .	. . .	. . .	Kilmacduagh.
	Achadensis,	Achadensis,	Achathkourensis,	. . .	Achonry.
Clonfert,	Clonfertensis,	Cluartifertensis,	Kinfernensis,	Cluainfrearta,	Clonfert.
	De Mageo,	Demagionensis,	Maigonensis,	. . .	Mayo.
	Enachdunensis,	Eacdunensis,	. . . .	. . .	Enaghdune or Annaghdown.
	De Cellaiaro,	Decellaid,	. . . .	. . .	Killalla.
	De Rosconnion,	Roscomon,	. . . .	. . .	Roscommon.
	De Conany(e),	Deconairi,	Ceneversis,	. . .	Clonmacnoise or St. Kieran.
	De Killmunduach,	Decelmundaiach,	. . . .	. . .	Kilmacduagh.
		Deculuanferd,	. . . .	. . .	Clonfert.
				Conga, Ardcerna,	Mayo.
Cassell,	Cassiliensis,	Cassellensis,	Casselensis,	Casbell,	Cashel.
Emely,	Melicensis or de Emileth,	Denulech or Umblicensis,	Ingmelleccensis,	Emlioch Jobhair,	Emly.
Waterford,	Waterfordiensis or de Baltifordian,	Waterfordensis,	Waterfordensis,	Waterford and Lismore,	Waterford.
Rismor,	Lismorensis,	Lismorensis,	Lismorensis,	. . .	Lismore.
Cork,	Corcagiensis,	Deconeagia or Corcagensis,	. . . .	Cork,	Cork.
Clone,	Clonensis or de Cluanania,	Deduanamensis or Cluanensis,	Cluanumensis,	. . .	Cloyne.

Names

(*a*) Ware has given a list, agreeing very nearly with this list, which he took from the Census Cameralis of Cencius, who, in 1216, was elected Pope, under the name of Honorius III.—*Harris Ware's Antiquities*, c. 39.

(*b*) This list is given to show the strange forms which names may assume, when often transcribed by persons who are not acquainted with them. The same sees are repeated in it under names made different by the readers and transcribers.

(*c*) Aladensis, the proper Latin title of the Bishop of Killalla, does not occur in any of these lists.

(*d*) Kilmacow is the Irish name for Kilmacduagh, already mentioned by its Latin name of Dua(censis).

(*e*) In Ware's list from Cencius, this See is printed Cinani, perhaps for Ciarani or Kiarani, the Saint of Clonmacnoise.

Names of Bishoprics as given by Dymmok, in 1599.	*Names of Bishoprics, as given by Camden, from an old Roman Provincial.*	*As given by Bingham, Ecclesiastical Antiquities*, vol. ii. p. 391, *from a Provinciale Romanum, published by Carolus a Sancto Paulo.*	*As given by Hoveden, Annales*, A. D. 1172.	*As given by Keating, at the Synod of Rath Breasail, in* 1118, vol. ii. p. 267.	*Modern Names.*
Ross,	De Rosalither,	De Rosailitehir,	Rosensis,	. . .	Ross.
Ardagh.	Ardefertensis,	Artfertelensis,	Archferdensis,	Rathmaighe Deisgirt,	Ardfert.
Laom alias Killalo,	Laoniensis de Kendalnan,	Decendaluensis or Laonensis,	Kildarenensis ?	Killaloe,	Killaloe.
Lymrik,	Limricensis,	Lunech,	Lucapniarensis,	Limerick,	Limerick.
Fimabor,	De Cellumabrath ?	Firmaberensis or Fymbarrensis,	Finabrensis,	. . .	Kilfenora.
	Rossiensis or Roscreensis,	Derostreensis or Widifordianus,	. . . .	. . .	Roscrea.
			Aremorensis,	. . .	Ardmore.
	De Insula Gathay,	De Insula,	. . . .	. . .	Iniscatty.
		Laudensis,	. . . .	. . .	Laonensis Killaloe ?
		Carthax(*f*),	. . . .	. . .	Iniscatty ?
		Tubricensis,	. . . .	. . .	Kilfenora.
		Decellininabrach,	. . . .	. . .	Kilfenora.
		Deartifertensis,	. . . .	. . .	Ardfert. Aghadoe.
Armagh,	Armachanus,	Armachanus,	Armacensis,	Ardmach,	Armagh.
Meath,	Midensis or Elnamirand,	Elualnirand or Midensis,	Cluencrardensis,	Cluain Joraird,	Meath. Clonard.
Ardakan,	Ardachadensis,	Deardarchad,	Ardahachdensis,	. . .	Ardagh.
Dromory,	. . . .	Dunensis or Drumorensis,	. . . .	. . .	Dromore.
			Odanus Episcopus.		
Down,	Dunensis or Dundalethglas,	Dunensis or Drumorensis,	Thuenensis,	Dun da leath Glass,	Down.
Connor,	Connerensis,	Connerinensis,	Chonderensis,	Coinire,	Connor.
Dere,	Dearrihensis,	Dedarrich,	Charensis,	Derry,	Derry
Rapaton,	Rathbotensis,	Deralboth,	Ratphpothensis,	. . .	Raphoe.
Turbrunen,	. . . .	. . . .	. . . .	Brenoain ?	Kilmore(*g*).
Clohu,	Clochorensis or Lugundunensis,	Ingundunum,	. . . .	Clochar,	Clogher.
	Rathlucensis,	Derathlurig,	. . . .	Ardsratha,	Rathlure or Ardstraw.
	Daln-liguirensis,	Dedamlialiagg,	. . . .	Damhliag,	Duleek.
		Deconnannas,	. . . .	. . .	Kells.
		Renensis or Revelensis, or Crocorensis,	. . . .	. . .	Uriclensis or Cloghorensis.
		Cluanensis or Cluanerdensis,	. . . .	. . .	Clonard or Clonmacnoise.
		Rochmosensis or Rathbotensis,	. . . .	. . .	Raphoe.
		Artagadonensis or Ardocadensis,	. . . .	. . .	Ardagh.
		Heuganensis,	. . . .	. . .	Lugadensis ? Louth. Clogher.

Page

(*f*) In this instance, two Sees have clearly been made out of De Insula Gathay.

(*g*) The See of Kilmore was also called Brefniensis or Triburnensis, from Tirbrun, (*Tir-Brenny ?*) the old name of O'Rourke's country. The Conquest of Ireland, line 23, says,

Més en Leschoin i out un reis,
O'Roric out nun en yrr'is ;
En Tirbrun mist la hiduse,
Tere lede e boschaguse.

Page 12, *line* 2.

Auncient dyvision.—Dymmok does not mention the old division into Leath Cuinn and Leath Mogh.—See *Tracts of Archæological Society*, vol. i. p. 44.

Page 12, *line* 5.

Betaghs-townes.—In the county of Monaghan "every Ballibetagh, which signifieth in the Irish tongue, a town able to maintain hospitality, containeth sixteen Taths, every Tath containeth Three Score English acres, or thereabouts, so as every Ballibetagh containeth 960 acres."—*Davies' Hist. Tracts*, p. 229. There does not appear to have been any universally recognized denomination for the divisions of land throughout Ireland, the names and the divisions varying in different districts; the division most generally recognized was into Cantreds, Townlands, and Carucates, or Plough lands. Cusake says, "Hit is to be understud that the v porcions bene conteynit & acumprehendeth in a C and iiii^{xx}. & iiii candredys, othirwise called undrids, other barronys—that is to say in Leynster xxxi. in Connagth xxx. in Mownyster lxx. in Vlyster xxxv. in Meyth xviii. Also their is in Ireland v. m. v. c. and thirtie towns. y^{t}. to witt in Leynster ix. c. and xxx^{ti}. townys. in Connaghth ix. c. in Mownster ii. m. and c. in Ulyster m. lx. in Mighth v. c. and xl. Also every cantred cont^{t}. viij^{xx}. plowlands," [xxx townes] "every towne cont. viii plowlands arrabile, besyd the pastur of CCC kine in every towne, and none of them shall anecr the othir. The sowme of all the herible plowlands liii. m. and iiii^{xx}. [44160?] besids rvers, medowes, mores and pasturs and hylls and wodds. and every plowland contenit vj^{xx}. acr. and every ac. conten^{t}. in bred iii roods or iiii perche, and in lenith xl perch. and every perche contenit xxi fot. Pawlys fote. and iii fote is a yard."—*Cusake's Collect. MS. Trin. Coll. Dub.*

This division into Cantreds, or Baronies, Townlands, or Villatæ (which in Grace's Annals, p. 4, are called oppida), and Carucates or Ploughlands, was probably of English origin. An extent of Meath into Baronies and Carucates, which is preserved in Cusake's Collections, was made by Robert Lughtburgh, Escheator of Ireland in 1377.—Rot. Cl. 1. H. iv. 4. For the cess levied according to these extents, see *Hooker*, p. 389, and *Cox. Hib. Anglic.* vol. i. p. 349, and *Carte's Ormond*, vol. i. p. 64.

Page 12, *line* 15.

Mac Conglian's.—M'Coghlan's territories in King's County.

Page 12, *line* 20.

The counties of Wicklo.—Wicklow was made into a Shire in 1605 in the government of Sir Arthur Chichester.

Page 12, *line* 23.

Banilagh.—Ranilagh, to the west of the Wicklow mountains, part of the territory of the Byrnes. "This Feagh and his Auncestors were but followers unto OBrin, and his

his grandfather, Shane Mac Terlagh, was a man of meanest regard amongst them, neither having wealth nor power. But his son Hugh Mac Shane, the father of this Feagh, first began to lift up his head, and through the strength of a great fastnes of Glan Malor, which adjoineth unto his house of Ballinecor, drew unto him many theeves and outlawes, which fled unto the succour of that glynne as to a sanctuary, and brought unto him part of the spoyle of all the countrey, through which he grew strong;" and, "through the late successe (1596) of this Feagh Mac Hugh, they are so farre imboldened that they threaten perile even to Dublin, over whose neck they continually hang."—*Spenser's View*, pp. 185, 6. This Pheagh M'Hugh was killed in an engagement with the Deputy, Sir W. Russell, on the 7th of May, 1597.—*Cox. Hib. Angl.* vol. i. p. 412. Shilogh is now Shillelagh in Wicklow.

Page 13, *last line.*

The most of civilitie.—See Spenser's Sonnet to the Earl of Ormonde and Ossory prefixed to the Fairy Queen, and the Eulogy of Stanyhurst, who was at school at Kilkenny, under Peter White of Oriel, Oxford.—*De Reb. Hib.* lib. i. p. 25.

Page 14, *line* 9.

The Queen's County.—The districts of Leix, Slewmarge, Irry, and such part of Glynmalire as lay on the west side of the Barrow, were erected into the Queen's County, by Act of Parliament, 3 & 4 Philip and Mary, chap. 2. This country contained the territories of the O'Mores, M'Gilpatricks, the O'Duins, or O'Dunns, the O'Dempsies, and other Septs.

Page 14, *line* 28.

Phillipstowne.—Philipstown was formerly Dengin, the chief castle of O'Conor Ophaly. The King's County comprehends Fercall, the country of the O'Mulloys, and part of the Fox Country, (the greater part of which is in Westmeath) and M'Coghlan's county of Delvin Eathra, and the west division of Glinmalry, or the O'Dempsey's county, together with the territories of Offaly and Ely O'Carroll.

Page 15, *line* 15.

Mountaine Slibowne.—Ely O'Carroll is situated west of the Slieve Bloom Mountains.

Page 15, *Line* 18.

Meathe.—In Cusake's Collections there is a list of the gentry of the several baronies of Meath, then including Westmeath, in the beginning of the reign of Henry VIII.

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Page 16, *line* 11.

Mac Gall.—Sir H. Wallop writes to the Earl of Leicester. "The 20th herof (January, 1580) Mr. Thomas Le Strange, in a town of Mc. Gaule's, seven myles from his owne howse towardes Athone, in the night killed in the Church of the said towne, nineteen of the O'Melaughleyns and took the twentieth, all notorious theeves, and of the consorts of the Occoners, in which place they were taking meate, as they term it." —*Wright's Elizabeth*, vol. ii. p. 127.

Page 16, *line* 16.

O'Farralls.—Richard Ferral, Abbot of Granard, and from 1541 to 1553 Bishop of Ardagh, was Dynast of Annaley as long as he lived. In 1486 William O'Ferral was also Bishop of Ardagh and Chieftain of Annaley.—*Harris Ware's Bp.* pp. 254, 5.

Page 17, *line* 14.

It includeth.—Waterford contains, amongst other baronies, those of the Decies, and the greater part of the See of Lismore.

Page 17, *line* 22.

The county of Cork.—Kerricurihy (formerly Kerrywherry) and Kinalea, are now one barony. In the following names the O'Driscolls, O'Sulivan Bere, and O'Sullivan More, O'Callaghan, and the Earl of Clancare, are easily recognized; O'Keefe has suffered more violence in being changed into O'Heift.

Page 18, *line* 5.

Glanwillim.—Clanwilliam, the Connellos, Kenry and Coshma.

Page 18, *line* 12.

County Palatyne.—Spenser says: "To have a county Palatine is in effect to have a priviledge to spoyle the enemies borders adjoyning. And surely so it is used at this day, as a priviledge place of spoiles and stealthes; for the County of Tipperary, which is now the only Countie Palatine in Ireland, is, by abuse of some bad ones, made a receptacle to rob the rest of the Counties about it, by meanes of whose priviledges none will follow their stealthes, so as, it being situate in the lap of all the land, is made now a border, which how inconvenient it is, let every man judge, and though that right Noble man, that is the Lord of the Liberty (the Earl of Ormonde) do paine himselfe all he may, to yeeld equal justice unto all, yet can there not but great abuses lurke in so inward and absolute a priviledge."—*View of the State of Ireland*, p. 46.

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Page 19, *line* 11.

Asseroe.—The abbey of Ashro, or Easrua, *alias* de Samerio, near Ballyshannon.—*Ware's Antiquities*, pp. 275.

Page 19, *line* 26.

Benbulbam.—Benbulben, to the north of Sligo.

Page 20, *line* 2.

Mac William.—Mac William Eighter was ancestor of the Marquis of Clanrickard. The Earl of Mayo claims descent from Mac William Oughter. O'Maley is of undoubted Irish blood. Mac Jordan and Mac Costello are the representatives of the English families of D'Exeter and Nangle.

Page 21, *line* 13.

Colran.—Coleraine, anciently Culrath, is now part of the County of Londonderry.

Page 21, *line* 21.

Of the Teenes.—Of the Fewes ?

Page 22, *line* 2.

Neromy, also *Newry.*—The Latin name of the Cistercian House of Newry, which is called in its foundation charter Nyvorcyntracta, and Ybarcyntracta, is *de viridi ligno*, in allusion to a yew-tree said to have been planted here by St. Patrick.—*O'Conor's Prolegomena II.* p. clviii.

Page 22, *line* 10.

Thomiship.—M'Gennis was by Tanistry Lord of Iveach in Down.

Page 23, *line* 29.

Gerald Fitz Ursus.—See Spenser's View, p. 107, with Sir J. Ware's note.

Page 23, *line* 32.

Bartry.—Dartry.

Page 24, *line* 7.

Vraughts.—In 1597 it was one of the conditions proposed to Tyrone that he should not intermeddle with her Maiesties Vriaghtes (so the Irish call the bordering lords, whom the Ulster Tyrants have long claimed to be their vassals). Tyrone replied to this article that he desired nothing of the Vriaghts, but such duties as they yielded since his grandfather's time.—*Fynes Morison*, Pt. ii. p. 23.

Page 24, *line* 8.

Bishop of Clohn.—Bishop of Clogher.

Page 24, *line* 26.

O'Chaloganes.—I do not know any sept of this name in Donegal; perhaps the name is O'Halagan.

Page 25, *line* 7.

Upon a hill.—In August, 1602, the Lord Deputy, Mountjoy, spent some five days about Tullough Oge, and broke down the Chaire wherein the Oneales were wont to be created, being of Stone, planted in the open field.—*Fynes Moryson*, Pt. ii. p. 236. Several stones said to have been fragments of this royal chair were in the glebe land belonging to the Rector of Desert Creagh about the year 1768.—*Stuart's Armagh*, p. 300.

Ibid.

Casting a shoe.—See Ruth, iv. 7. It is still a custom to throw your shoe after a bride for luck.

Page 25, *line* 14.

O'Hanlon's country.—O'Hanlon was chief of Orior, and claimed to be hereditary royal standard bearer north of the Boyne. In 1595 in the march of the Deputy, Sir W. Russel, from Dundalk, the Royal Standard was borne the first day by O'Mulloy, and the next by O'Hanlon.—*Cox*, vol. i. p. 407. O Sullevan says, "Ohanlonus Ultonius Auritarræ princeps, qui ultra Bonnum flumen se pro summo signifero regio hæreditario jure gerit."—*Historiæ Catholicæ Iberniæ Compendium*, tom. 3. lib. 3. c. 1. p. 139.

Page 25, *line* 25.

Forte of Blackwater.—"Est in Ultonia fluvius, qui dicitur Ibernis Magnus, sed Anglis Aqua Nigra, vel quòd aliis Iberniæ fluviis lucidis et puris turbidior fluit, vel quòd ipsi Angli nigro et adverso marte ad illum signa sæpe contulerunt. Ad hoc flumen erat Castellum, nuper belli casibus clarum, eodem nomine Anglis nuncupatum Aqua Nigra, sed Ibernis Portmor, hoc est Munimentum magnum, estque tribus milibus passuum ultra Ardmacham, ecclesiastici Primatis Iberniæ sedem, et septem citra Dungannonam, Tironi comitis municipium."—*O Sullevan*, p. 137.

Page 26, *line* 4.

Glandilure.—The scene of the defeat of Lord Deputy Grey, in 1580, by "the Viscount Baltinglass and Pheon Macke Hugh, the Chiefe of the Sex (sept) of the Obrins, and Capteine Fitzgerald, kinsman to the Earl of Kildare, who had a band of footmen

footmen committed unto him for the defence of the countie of Kildare, and who had notwithstanding conjoined himself with rebels. This fastnesse of the Glinnes, about 20 miles from Dublin, was by nature so strong as possibly might be, for in it is a valley or combe, being in the middle of the wood, of great length betweene two hils, and no other waie is there to pass through. Under foote it is boggy and soft and full of great stones and slipperie rocks, the sides are full of great and mighty trees, and full of bushments and underwoods."—*Hooker*, p. 435. "In this conflict Sir Peter Carew running in his armour, which he could not put off, was half smothered, and enforced to lie down, whom when the Rebels had taken they disarmed him, when one villain with his sword slaughtered and killed him."

Page 26, *line* 18.

Dromfinien.—"In 1579 the Earl of Ormonde, Lord General, marched from Connilo towards Mac Willie's country; he burned the towns in that country and about Lefinnen, and on his journey towards Cork, at Drumfening he took a prey of 1500 kine."—*Hooker*, p. 425. "The counterfeit Earl of Desmond and Mac Craghe, the Pope's Bishop of Cork, were concealed in a poore ragged cabbin in Lisbarry, a parcel of Drumfinnim woods." *Pacata Hibernia*, p. 190. The names of some others of these Munster fastnesses are thus given in the same page: Kilquig, a strong and fast country not far from Limerick, Muskry quirke, and Arloghe woods.

Page 27, *line* 1.

A perticular.—This list is to be compared with the list given in *Moryson*, Pt. ii. p. 31.

Page 27, *line* 7.

Certain of the Eustacies.—"Mirum est quod Eustatio Kilchullennæ vicecomiti accidit. Is cum alioquin fuisset Catholicus bonus et pius, tamen, ut accepi, monasterium ordinis Divi Bernardi (Baltinglass) sibi adjudicavit; nec diu post per quietem vidit quendam sibi minitantem et carmen Ibernicum referentem, cujus hæc est sententia; 'tua cupiditas invadendi possessiones ecclesiæ relinquet in servitute tuos pagos et faciet ut tua stirps pereat omnis, ut frondes ex alto præcipitio cadentes.' Quod ita plano contigit, nam Jaimus Eustatius, Vicecomitis Rolandi filius et hæres, ab Anglis cum aliis suæ familiæ gradu dejectus exul diem obiit."—*O Sullevan*, p. 77. He had entered into rebellion with Pheagh M'Hugh, whom O Sullevan calls Fiachus Obruin Egidii filius, eques nobilis, p. 93.

Page 27, *line* 10.

Donell Spaniagh.—Daniel Hispaniensis.—*O Sullevan.*

Page 27, *line* 12.

The O'Donies.—The O'Duans, or O'Doynes, except Teig Oge O'Doyne. The Viscount of Mountgaret, son-in-law to Tyrone, held the castles of Balliragget and Colekil, Kilkenny.—*Moryson.*

Page 27, *line* 24.

Captain Tyrrell.—"In June, 1597, Tyrone, then pressed by Lord Burough, detached 500 foot to excite the people of Leinster to revolt. The command was given to Tirrel, an officer of English origin, but a zealous Roman Catholic; he passed rapidly over Meath, and incamped in the barony of Fertullagh. Sir Conyers Clifford sent young Barnewall, a son of Lord Trimlestowne (called by O Sullevan, Barnabale Balisimilidæ Barone), against him with 1000 men from Mullingar. Tirrel seemed to fly before them, and having gained a defile, concealed with trees, since called Tirrell's Pass, he sent half of his little army under O'Conor, who posted his men in ambuscade in a hollow near the road, over which the British troops were to pass. Barnewall hurried past his concealed enemies. O'Conor immediately attacked his rear with drums beating and bagpipes sounding aloud. On this signal Tirrel returned to the conflict, and the English, attacked on both sides, were completely defeated. Barnewall was taken prisoner, and of the private soldiers only one, who escaped through a marsh, survived the battle. It is said by Mac Geoghegan that O'Conor's hand was so swollen by violent and continued muscular action, that it could not be removed from the guard of his sword until the steel was separated with a file."—*Stuart's Armagh*, p. 281, from Mac Geoghegan.

Page 27, *line* 28.

The white knight.—"This nickname," says Moryson, "given to one for his gray heares, comming as hereditarie to his posteritie." The Knight of Kerry, the Knight of Glyn, and the White Knight, are named by O Sullevan, "Gulielmus Giraldinus, eques auratus Kerrius, Rasinnanæ dominus; Edmundus Giraldinus, eques auratus Vallis; Edmundus Giraldinus, eques auratus Albus;" p. 158. The Knight of Kerry is called the Green Knight by Campion, p. 5.

Page 28, *line* 1.

Richard Pursell.—Purcell, palatine Baron of Loughmoe in Tipperary.

Page 28, *line* 2.

Callue Mac Shane.—In 1601 Florence Mac Carthy wrote to one in Ormond called Cahir Mac Shane Glasse Omulrian, desiring that he would levy for him six hundred foot in Leinster.—*Pacata Hibernia*, p. 232. The Omulryans inhabited Owney, "a strong and fast country." John Omulryan was the last Abbot of Owney or Abingdon.

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Page 28, *line* 4.

Edmond Buck.—Redmond Burke, calling himself Baron of Leitrim.—*Pac. Hib.* pp. 172, 226.

Page 28, *line* 9.

James Fitz Thomas.—The capture of this Sugan Earl is told with most pathetic circumstances in *Pacata Hibernia*, p. 241. See also the lamentable circumstances of the death of the former Earl in 1580, as given in *Hooker*, p. 454.

Page 28, *line* 10.

The Lord Roche.—Roche, Viscount Fermoy.

Page 28, *line* 11.

Donogh Mac Cormok.—The Lord of Duhallow was a M'Donogh of the sept of the Mac Carties, the other names here given are O'Keefe and O'Callaghan.

Page 28, *line* 14.

The Lord Fitzmorrice.—Ancestor of the Marquis of Lansdowne. "Patricius Giraldinus, qui Macmoris et Lacsnæ Baro dicitur."—*O Sullevan*, p. 158.

"Notwithstanding he was trained up in the Court of England, sworne servant unto her Majestie, in good favour and countenance at the Court, and apparilled according to his degree, and dailie nurtured and brought up in all civilitie, he was no sooner come home, but away with his English attires, and on with his brogs, his shirt, and other Irish rags, being become as verie a traitor as the veriest knave of them all. And so, for the most part, they are all, as dailie experience teacheth, dissemble they never so much to the contrarie. For like as Jupiter's Cat, let her be transformed to never so faire a ladie, and let her be never so well attired and accompanied with the best ladies, yet if the mouse come once in her sight, she will be a Cat and show her kind."—*Hooker*, p. 417.

Page 28, *line* 16.

O'Sculy man beare.—O'Sullevan Bear.

Ibid.

Calling himself Mac Arty more.—"In 1567 the Earl of Clancart (Florence Mac Arty) was puffed up with such insolencie that he named himself King of Munster, and did confederate with the Mac Swaines, Osolivan More, and others of the Irishrie of that province, and in warlike manner, and with banners displaied, invaded the Lord Roche's countrie, and in burning of his countrie he destroyed all the corn therein,

seven

seven hundred sheepe, and a great number of men, women and children, and carried away fifteen hundred Kine and a hundred Garons."—*Hooker*, p. 339.

Great a man as Mac Carthy More was in Munster he was but lightly esteemed in Ulster. When Mac Artimore was made Earl of Clancare, "Shane Oneile scoffed at it, nothing liking the choise of her Highnesse in advansing such a one to that honour, and therefore not long after when the Commissioners were sent to intreat with him on sundrie pointes, they found him most arrogant and out of all good order, braieing out speeches not meet nor seemelie. 'For,' saith he, 'ye have made a wise Earl of Mac Artimore, I keepe as good a man as is he, and albeit I confesse the Queene is my Sovereign Ladie, yet I never made peace with her but at her seeking.' And where he had required his Parlement robes to be sent him as Earl of Tiron, yet now he cared not for so mean an honor as to be an Earl, except he might be better and higher than an Earl. 'For I am,' saith he, 'in blood and power better than the best, and I will give place to none of them; for mine ancestors were Kings of Ulster, and as Ulster was theirs, so now it is mine, and shall be mine; with the sword I won it, and with the sword I will keep it.'"—*Hooker*, p. 333.

Page 28, *line* 24.

O'Dowle.—O'Dowd? On one occasion O Sullevan gives the following Connaught names: Orruarkus, Maculliamus (M'William), O'Kealtus, Macdiarmuda, Oconchur Ruber (O'Conor Roe), Odudius.—p. 144.

Page 28, *line* 25.

O'Rork.—O'Rourke with his followers in Leitrim. "In 1578, Connagh was in some part troubled by means of Orwarke, capteine of his surname, in whose countrie there were certaine *coiners of monie*, and maintained by him. The coronell (Sir Nicholas Malbie) understanding hereof, he sent unto Orwarke for them, and who denied to deliver any of them, wherefore to correct that his pride, disobedience and insolencie, he sent a private band of footmen who distressed Orwarke, slue his men, took his castell, and put all the ward to the sword."—*Hooker*, p. 398.

Were these Coiners forgers of Queen Elizabeth's money, and was the O'Reilly money of 1446 forged money of Henry VI.?—See *Simon on Irish Coins*, p. 20.

Page 28, *line* 28.

O'Madden.—In March, 1596, the Deputy summoned O'Madden's Castle of Losmage, and received for answer, "that if all the army were Deputies, they would not surrender;" however, the next day he took the Castle with the slaughter of six and forty rebels.—*Cox*, vol. i. p. 409.

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Page 28, *line* 30.

O'Flaherties.—"In 1601, the Omaylies and O'Flagherties had a purpose with six hundred men, which they had already furnished, to invade Kerry."—*Pac. Hib.* p. 223.

In 1576, Sir Henry Sidney described O'Maylle as an "originale Irisheman, strong in galleys and seamen."—*Sidney's Letters*, vol. i. p. 104.

Page 28, *line* 32.

Mac Namerkaces.—Mac Namaras? called M^c^Newmaries in Jansson's map.

Page 29, *line* 8.

Mac Surly boy.—"The Glins and Routs which Serlo Boie with the Scots possessed."—*Hooker*, p. 273.

"In 1596 Surly boy came to Dublin, and submitted to the Deputy on the 11th of February, and on the 22nd the Lord Deputy and Council gave him a Velvet mantle laid with gold lace."—*Cox*, vol. i. p. 409.

Page 29, *line* 10.

Mac Mahon.—"Rosus Macmagaunus, cognomento Pallidus, Auriliæ princeps, cum diem obiisset, ejus Frater Hugo cognomento Ruber, Patritius, Iberus Farniæ Dominus, et Bernardus Dartiriæ Dominus, omnes ex Macmagauni familia, eo de principatu litigabant apud Gulielmum Fithz Gulielmum, Hæreticum Anglum, quem Ruber corrupit, promissis septingentis vaccis, ut secundum ipsum judicaret. Prorex Iberum Farniâ et Bernardum Dartiriâ jubet esse contentos. In Munichano municipio, quod illius principatûs caput est, ipse præsidium collocat. Cæteros pagos et agros inter Rubrum et Patritium divisit, illi, qui dona promisit priorem locum adjudicans et Macmagauni nomen relinquens.—Ruber noluit vaccas tradere, adempto sibi Munichano mœstus, causatus Proregem pacto non stetisse. Ob quod illum Prorex alio crimine insimulatum Munichani morte plexit, et ejus possessiones Reginæ addixit, has autem postea recuperavit Bernardus Dartiriæ dominus, Macmagaunus inauguratus, invitis Anglis."—*O Sullevan*, p. 108.

Page 29, *line* 13.

Ochane.—"Ochan, Lord of the lands between Loghfoile and the Bann."—*Hooker*, p. 340.

Page 29, *line* 22.

Lord Savadg.—"Those of Lecale and the Little Ardes held for the Queen, but overcome by Tyrone, were forced to give way to him to tyrannize in their countries."—*Moryson*, p. 32.

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Page 29, *line* 29.

Iragh Mac Guinnes.—M'Gennis of Iveach, called by O Sullevan Makengasa. This name is sometimes written Mc Eneas.

Page 30, *line* 5.

In all 29,352.—According to Moryson the Rebels in all the four Provinces were strong 18,246 foot, and 2,346 horse. Cox says that the Council gave the Lord Lieutenant an account of the confused state of the kingdom, that there were of the Rebels in arms,

In Leinster,	3,048 foot,	0,182 horse.
In Ulster,	7,220 foot,	1,702 horse.
In Munster,	5,030 foot,	0,242 horse.
In Connaught,	3,070 foot,	0,222 horse.
	18,368 foot,	2,346 horse.—*Cox*, i. p. 416.

Page 31, *line* 15.

The Erle of Ormonde.—"In 1569 Sir Edmond Butler of Cloghgrenan, and the rest of his brothers, were pardoned for the sake of the Earl of Ormond, and perhaps by special orders from the Queen, who by the mother was related to this noble family, and used to boast of the untainted loyalty of the House of Ormonde."—*Cox*, vol. i. p. 335, from *Camden*, Eliz. 138.

Page 31, *line* 23.

Woodstocke.—Woodstock is about quarter of a mile from Athy. There are here the remains of a Castle. Croshy Duff is five miles from Maryborough.

Page 31, *line* 27.

Sir Christopher Sentlaurence.—"This bold knight, who was afterwards the 22nd Baron of Howth, was one of the six friends of Essex, who accompanied him on his mincky visit to Nonesuch, on the 28th of September. As they were on the way early in the morning, Lord Grey de Wilton, one of his bitterest enemies, passed Essex unsaluted, and on the Earl expressing his fear that he would do him some unkind office at Court, St. Laurence offerred to kill him on the road, and afterwards to kill Cecil in the Queen's Court."—*Camdeni Annales*, vol. iii. p. 796.

Page 31, *line* 31.

Rheban.—The ancient city Rheban, now a poor village with a Castle, yet of old giving the title of Baronet (to the family of St. Michael).—*Moryson*, Pt. iii. p. 157.

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Page 32, *line* 9.

The generall Ratehill.—The Raths were used as places of meeting for legal and other purposes, from which circumstance they were called Motes and Laws. One of these primitive Courts is to this day found on Dartmoor in Devonshire; it is known by the name of Crockerntor. It remained as the Court of the Stannaries till within the last century, and hence it was commonly called the Parliament Rock. It is on the summit of a lofty height, open on all sides to the bleak winds and to the weather, affording no shelter, and remote from the habitations of men. On this spot the chief miners of Devon were by their charters obliged to assemble, the Lord Warden invariably issuing his summons that the Jurors should meet at Crockerntor, and there is a record of a meeting of this nature having been held there in 1749.—*Bray's Traditions of Devonshire*, vol. i. p. 113. Those circles of erect stones, sometimes called Druid's Circles, and known all over Scotland by the vulgar name of standing stones, seem to have retained their original use as places of meeting for the solemnities of Justice in the north of Scotland longer than elsewhere. We find the King's Justiciar, with a great array of counsellors and attendants, holding a solemn court for the trial of a case at the standing stones of Rane, in 1349. A similar instance occurred in 1380, when Alexander Stewart, Lord of Badenoch, in the most formal manner cited the holders of certain lands in Badenoch to appear and produce their titles to their lands at the Standand Stanys of the Rathe of Kynguey.—*Preface to Registrum Episcopatûs Moraviensis*, p. xxix.

Page 32, *line* 10.

Ony mac Rury O'More.—Was the son of Rory Og O'More, who in 1576 committed many outrages, "and not being resisted, tooke such encouragement of his success, that leaving poore villages, he went to great townes, as to the Naas, distant from Dublin about ten miles. The verie same daie that he came thither at night, was the Patron daie of the said towne, commonly called the Church Holie daie, which daie, after the manner of that countrie, and not much unlike the festivall daies, which the Ethniks and Pagans were woont to celebrate to their idoll Gods of Bacchus and Venus, they spent in gluttonie, drunkennesse, and surfetting, and after they had so filled their panches, they somewhat late in the night went to their beds, having forgotten to make fast their towne gates, or put anie watch to ward them. Which thing Rory Og when he knew, and having intelligence that every man was in his bed asleep, then he in the dead night came to the towne with all his companie, who, like unto a sort of furies and divels, new come out of Hell, carried upon the ende of their poles flankes of fier, and did set, as they went, the low thatched houses on fier, and so in a trise and moment the whole towne was burned, and yet in the towne supposed to be 500 persons

in outward appearance able to have resisted him. He taried verie little in the towne, saving that he sat a little while upon the cross in the market place, and beheld how the fier round about him was in everie house kindled, whereat he made great joy and triumph ; yet contrarie to his usage, he killed no one person in the towne."—*Hooker*, p. 395.

Page 32, *line* 17.

The nature of the passage.—The following is O Sullevan's account of this expedition: "At ille (Essex) præter omnium spem in Momanias ire contendit, septem millia peditum et equites nongentos ductitans. Cui in Legenia per iter angustum exercitum ducenti factus obvius Huon Omorra cum quingentis peditibus ultimum agmen fundit, aliquot milites atque duces occidit, spolia et inter cætera multos plumeos apices capit. Unde locus hodie dicitur Transitus plumarum, Bearnan na Gehleti," (Barnaglitty, *Cox*) "Anglicé The pass of Plumes."—*O Sullevan*, p. 164. The rest of O Sullevan's narrative is thus abridged by Cox: "That the Earl of Desmond and Redmond Bourk came to the relief of Cahir, whereby that siege held ten days; that Essex marched to Limerick and thence to Askeaton; that Desmond and Daniel Mac Carthy Moor laid an ambush for him, the ill management whereof raised a feud between Thomas Plunket and Peirce Lacy, wherein the former was slain; that a bloudy fight was near Crome, where Henry Norris was slain, and that for six days Desmond pursued Essex his rear; but there is little credit to be given to that author, and yet some things that he says must be allowed to be true."—*Cox*, vol. i. p. 417. Archbishop Ussher gives a still more unfavourable character of O Sullevan. He says that he is "an author who, in relating matters that fell out in his own time, discovereth himself to be as egregious a liar as any, I verily think, that this day breatheth in Christendom."—*Religion of Ancient Irish*, chap. viii.

Page 32, *line* 30.

Pell mell upon eyther side.—The meaning would be made plainer by putting a comma after pell mell.

Page 33, *line* 18.

Through a thicke woode.—"Ulster, and the westerne parts of Mounster yeeld vast woods, in which the rebels, cutting up trees and casting them in heapes, used to stop the passages, and therein, as also upon fenny and boggy places, to fight with the English. But I confesse myself to have been deceived in the common fame that all Ireland is woody, having found in my long journey from Armah to Kinsale, few or no woods by the way, excepting the great woods of Ophalia, and some low shrubby places which they call Glinnes. Also I did observe many boggy and fenny places, whereof great part might be dried by good and painefull husbandry. The Irish having in most parts great

great woods or low shrubs and thickets doe use the same for fier, but in other parts they burn turfe, and sea coales brought out of England. They export great quantity of wood to make barrels, called pipe staves, and make great gaine thereby."—*Moryson*, part iii. p. 161.

Page 33, *line* 27.

To Kilkennye.—"I observed that the best sorts of flowers and fruits are much rarer in Ireland than in England, which notwithstanding is more to be attributed to the inhabitants than to the ayre. For Ireland being oft troubled with rebellions, and the rebels being not only idle themselves, but in natural maliee destroying the labours of other men, and cutting up the very trees of fruits for the same cause, or else to burne them,—the inhabitants take lesse pleasure to till their ground, or plant trees, content to live for the day in continual feare of like mischiefs. Yet is not Ireland altogether destitute of these flowers and fruites, wherewith the county of Kilkenny seemes to abound more than any other part."—*Moryson*, part iii. p. 159. "Kilkenny is a pleasant towne, the chiefe of the townes within land, memorable for the civility of the inhabitants, for the husbandmen's labour, and the pleasant orchards."—*Ibid.* p. 157.

Page 34, *line* 4.

Called Cayre.—A plan of Cahir Castle, taken by the Earl of Essex, in 1599, is given in *Pacata Hibernia*.

Page 35, *line* 2.

Georg Carye.—Probably cousin of Sir Peter Carew, who claimed to be Marquess of Cork, Baron of Idrone in Carlow, and Lixnaw in Kerry, and Lord of Maston in Meath. This Sir Peter in his tender years was page to the Prince of Orange, beyond the seas, and was in his younger days a great traveller, and had been at Constantinople in the Turke's Court, at Vienna in the Emperour's palace, at Venice, and in the French King's Court, and in the houses of most of all Christian princes, in every of which places he left some tokens of his value; he "kept continuallie in his own private familie, at Leighlin, above or neere a hundred persons in house, he had alwaies in readinesse forty horsemen, well appointed, besides footemen, and commonlie one hundred kernes. If anie nobleman or others did passe by his house, there he first staied and was interteined according to his calling, for his cellar doore was never shut, and his butterie alwaies open to all comers of anie credit. If anie garrison came to assist and attend him, or passed through his countrie, he gave them interteinement, and vittelled them at his own charges, and paied readie monie both for it and for all things taken of the countrie, for without present payment he would have nothing: which was a rare thing, and not heard of in that land."—*Hooker*, p. 377.

Page 35, *line* 11.

With two Englesh orations.—"When the Lord Justice (Sir W. Pelham), in 1580, visited Waterford, at his landing the Maior and Aldermen, araied in their scarlet gownes, met him, and presented unto his lordship the sword and the keies of the gates, which foorthwith he redelivered to them againe, and the sword the Maior bore, and carried before his lordship. He went first to the Church, and by the waie, upon two several stages made for the purpose, there were two orations made unto him in Latine, and at his return from the Church, he had the third in English at the doore of his lodging."—*Hooker*, p. 429.

Page 35, *line* 35.

And for plashing.—This sort of fortification is thus described by *Moryson*, part ii. p. 20. "The Irish, in a fastnesse neere Armagh, so they call straight passages in woods, where to the natural strength of the place is added the art of interlacing the low bowes, and casting the bodies of trees across the way."

Page 36, *line* 18.

Aischeton.—A plan of Asketon, on the river Deele, is given in *Pacata Hibernia*. "This house of Asketten is a verie strong castell, standing upon a rock in the verie midst of the river, and the chiefest house of the Earl of Desmond."—*Hooker*, p. 418. It was taken in 1580.

Page 36, *line* 29.

Pheniter's towne.—"Essexius Asketiniam pervenit, in cujus castra Catholici noctu faciunt impetum. Asketiniâ firmiore præsidio munitâ, Essexius, ulterius progredi non ausus, die Lunæ sequente redivit per aliud iter. Ubi ex arboreto juxta Finiteri pagum (Baile an Fhiniteri) Catholici erumpentes primum, ultimum, et media agmina simul invadunt. Henricus Norris, Eques auratus Anglus, Johannis et Thomæ frater, in Catholicos equo vectus, firmo bombardariorum agmine vallatus, plumbeâ glande confossus equo corruit, alii ex regiis multi, et ex Catholicis nonnulli, desiderantur; nam ab horâ nonâ ante meridiem usque ad quintam pomeridianam fuit pugnatum, donec Essexius Cruomuiæ consederit, unde rursus Desiam usque Desmonius sequitur per sex dies noctu et interdiu prælians, et ejus exercitum extenuans."—*O Sullevan*, pp. 164–5.

Page 37, *line* 25.

Sir John Norris.—This ungenerous scoffing at Sir John Norris after his death, is unworthy of Essex, who had long disliked him. "The ill successe of the treaties (with Tyrone), and the small progresse of the warres (says Moryson), together with this unexpected change of the Lord Deputy, comming with supreme authority, as well in martiall

martiall as civill causes, brake the heart of Sir John Norryes, Lord General, a leader as worthy and famous as England bred in our age. Of late, according to vulgar speech, he had displeased the Earle of Essex, for Sir John Norryes had imbraced the action of Brest fort in Britany, and the warres in those parts, when the Earle himself had purpose to entertain them, and prevailed against the Earle, by undertaking them with less forces than the Earl desired for the same. And it was thought that the Earl had preferred the Lord Bourgh, of purpose to discontent him, in regard the said Lord Bourgh had had a private quarrel with the said General in England, and that besides, the superior command of this Lord, could not but be unsupportable to him, esteemed one of the greatest Captains of his time, and yet having inferior command of the Presidentship of Mounster, in the same kingdom. Certainly, upon the arrival of this new Lord Deputy, presently General Norryes was commanded to his government of Mounster, and not to stirre thence without leave. When he came thither this griefe so wrought upon his high spirit, as it apparantly brake his brave, and formerly, undaunted heart, for without sickenes, or any public sign of griefe, he suddenly died in the imbrace of his deere brother, Sir Thomas Norreys, his vice-president, within some two months of his coming into Mounster."—Part ii. p. 20. O Sullevan gives a very different account of the death of this great captain. He says, "Namque (sicuti fertur) Moalæ (Mallow) cum noctu luderet, Quidam, corpore vestibusque Niger, in conclave improviso intrat, quocum Norris, ludo relicto, sese in cubiculum abdidit, amotis arbitris præter unum puerum qui juxta ostium clam consistens colloquium audivit, quod hujusmodi fuisse traditur. Niger, 'Tempus est,' inquit, 'ut rationibus nostris summam manum imponamus.' 'Noli,' inquit Norris, 'id facere, donec Ibernicum bellum confectum relinquamur.' 'Nullo modo,' inquit ille, 'diutius exspectabo, quia constituta dies jam cessit.' Mox strepitus ingens sonat, quo moti lusores et domestici, cûm cubiculum foribus effractis ingressi fuissent, Nigro, qui quin Diabolus fuerit non dubitatur, nullibi reperto, Norrissem invenerunt genibus flexum, colloque et cervice ita tortum, ut occiput pectore et os dorso immineret, sed adhuc vivum, atque jubentem æneatores tibicines et tympanistas convocari, ut ipsius mortem cantu celebrarent, quibus canentibus intra dimidiam horam animam profudit. Ejus corpus aromatibus atque fragrantissimis odoribus curatum in Angliam transfertur. Quem ego casum memoriâ repetens equidem dementiâ hæreticorum obstupefio, cadaver hominis impii honore magno colentium, sacra vero divorum martyrum inhumata projicientium. Licet etiam colligi quantam Deus optimus maximus Onello prælianti opera tulerit, qui non modo Norrissem, peritissimum Anglorum imperatorem, omni pugnandi apparatu superiorem, sæpe profligaverit, sed ipsum etiam Diabolum, qui illi ex pacto fuisse opitulatus creditur, vicerit."—*O Sullevan*, pp. 146, 147.

Page

Page 40, *line* 26.

Donnell Spaniah.—Daniel Hispaniensis.—*O Sullevan.* "In 1601, the Lord Deputy Mountjoy kept St. George's feast at Dublin with solemne pompe, the captains bringing up his meat, and some of the colonels attending on his person at table. To which feast the rebels were invited whom his Lordship lately received to mercy, namely, Turlogh Mac Henry, captain of the Fewes; Ever Mac Cooly, chief of the Fearney; O'Hanlon, a lord of Ulster; Phelim Mac Feagh, chief of the Obyrnes; and Donnell Spaniagh, chief of the Cavanaghs in Leinster."—*Moryson*, part ii. p. 99.

Page 41, *line* 3.

Dungan.—Phillipstown.

Page 41, *line* 6.

Sir Henry Harrington.—"Upon the death of Agard, Sir Henry Harrington who had married one of his daughters and heirs, was, by letters from England, appointed to be seneschall of the Obirnes in his place."—*Hooker*, p. 428.

Page 41, *line* 8.

Banilagh.—Ranelagh.

Page 41, *line* 29.

Drawing forth presentlie.—Insert a semicolon after forth.

Page 42, *line* 20.

Into Ophaly.—"Secundam expeditionem rursus Essexius facit in Ochonchures Iphalios et Omorras, cum quibus parvum prosperé pugnans, exercitum indies minuit. Quare in Onellum profecturus ex Angliâ subsidium petit."—*O Sullevan*, p. 165.

Page 43, *line* 17.

From Derrow.—Durrow, in the Barony of Ballycowen, in the King's County. Here was a famous monastery founded by St. Columba, mentioned by Bede, "Fecerat [Columba], prius quam in Brittaniam veniret nobile monasterium in Hiberniâ, quod a copia roborum Dear magh, linguâ Scotorum, hoc est campus Roborum, cognominatur."—*Beda Eec. Hist.* Lib. 3, c. 4.

The common Latin name for this monastery was De Roboreto. Ophaly was long celebrated for its oaks. In 1537, Alen, Master of the Rolls, proposed that the Castle of Trim should be repaired with 400 or 500 great oaks, to be felled in Ophaly.—*State Papers*, vol. ii. part iii. p. 481, and Moryson says, that the only woods he saw between Armagh and Kinsale were in that country. The woods which covered the country in the time of Giraldus, *Top. Hib. Tert. Dist.* c. 2, had disappeared from the pale

pale in the 16th century. Amongst the ordinances for Ireland, in 1534, it was enjoined, "that every husbande having a ploughe within thInglishe pale, shall sette, by the yere, 12 ashes in the diches and closes of his ferme, upon peyne of 2^{s}. to be forfayte to the Deputy."—*State Papers*, part iii. vol. ii. p. 214. In 1609, King James granted permission to the Irish Society to cut down 50,000 oaks at 10^{s}. a piece, 100,000 ashes at 5^{s}. 10,000 elms at 6^{s}. 8^{d}. to build Londonderry from the woods of Killetra, where there are few trees now.—*Stat. Survey, Fincoy.* And it may be added, that in 1682, the county of Westmeath was "deficient in nothing necessary to the use and emolument of human life, except only timber of bulk (wherewith also it was antiently well stored), a want to be bewailed not only in this county but in most parts of the kingdom; and what is yet more deplorable, little care is taken for propagating so useful a commodity, amidst the havock thereof made by iron works, &c., in these counties, where as yet only small remainders of timber are. So that it is much to be feared that posterity will want not only necessaries for building, but even wherewithal to dress their leather, and make vessels for the exportation of their inbred commodities."—*Sir H. Piers' Description of Westmeath*, p. 2, see also extract from Moryson, note page 33, line 18.

Page 44, *line* 4.

Sir John Mac Coughlin.—"Westmeath is also inhabited by many great Irish septs, as the Omaddens, Magoghigans, Omalaghlens, and Mac Coghlans, which seem barbarous names."—*Moryson*, part iii. p. 158. M'Goghigan's Castle was at Donoar, in Westmeath. "In 1638, Clonmacnoise and 3000 acres of land, by the management and procurement of Mr. Thomas Coghlan, through the favour of Dr. Anthony Martin, Bishop of Meath, were taken from the barony of Clonlonan in Westmeath, and annexed to the barony of Garricastle, in the King's County."—*Piers' Westmeath*, p. 85.

Page 44, *line* 19.

Seeing it but lost tyme.—In that romantic age, with his imagination inflamed by stories of the spoils of the new world, the proud and accomplished Essex must have thought it but lost time to hunt "for prays of 500 cowes, and 60 garrans," the sole wealth of the Irish, but of which they had infinite multitudes. Cox says that it was reported that Brian Mac Fylemy had 30,000 cows. "In the heat of the last rebellion," says Moryson, "the very vagabond rebels had great multitudes of cowes, which they still (like the Nomades) drove with them, whithersoever themselves were driven, and fought for them as for their altars and families. By this abundance of cattle the Irish have a frequent, though somewhat poore trafficke for their hides, the cattle being in general very little, and only the men and the greyhounds of great stature. Neither can the cattle

cattle possibly be great, since they onely eat by day, and then are brought at evening within the bawnes of castles, where they stand or lye all night in a dirty yard, without so much as a lock of hay, whereof they make little for sluggishnesse, and that little they altogether keep for their horses. And they are thus brought in by night for fear of theeves, the Irish using almost no other kind of theft, or else for feare of wolves, the distruction whereof being neglected by the inhabitants, oppressed with greater mischiefs, they are so much growne in number, as sometimes in winter nights they will come to prey in villages, and the suburbes of cities."—*Moryson*, part iii. pp. 159–60.

Page 44, *line* 23.

A brief relation.—The very great rarity of O Sullevan's Historiæ Catholicæ Iberniæ Compendium, will excuse the length of the following and other quotations: "Per idem tempus Cliffordus, Connachtæ præfectus, statuit cum Odonello terrâ marique gerrere bellum; primum agredi Sligacham, et arcem, quam Odonellus diruerat, reædificare. Ad id Oconchur Sligachus trans Corsliebhum montem circum Sligacham Connachtos circumit, hortans atque rogans, ut ab Odonello desciscant. Illi paucis equitibus stipato turma ex equitibus Odonelli forte fit obvia, et illum commissâ pugnâ paucisque occisis in Kulmunium castellum compellit, ubi ab Odonello circumsessus oppugnatur. Oconchur, qui dies circiter quadraginta castellum strenue propugnabat, jam inediâ videbatur in deditionem venturus. Id intelligens Cliffordus expeditionem celerius facit, ut Sligacham, sicut animo constituerat, recuperet, et Oconchuri obiter ferat opem. Theobaldum Burkum(*a*), cognomento Navalem, Ranmaculliami principatûs competitorem, cum classe, quâ commeatus, tormenta bellica, calx, et alia materies ad reficiendam arcem vehebantur jubet Galveâ solvere, ipse cum cæteris copiis pedestre iter arrepturus. Id Odonellus minimé ignorans pedites quadragintos, ducibus Mac Suinnio Fanido et Maculliamo, Sligachæ præsidio disponit. Obuillo imperat, ut cum equitibus ducentis Kulmuni castelli obsidionem continuet, ipse cum peditibus et Odocharta Corsliebhum montem, quo Cliffordo erat iterfaciendum, occupat. Per illum montem duobus itineribus, altero nimis angusto et impedito, altero latiore aditus patebat. In impedito cohortes tres collocat, jussas venientem hostem prohibere, donec plures auxilio mittat. In itinere patentiore ipse et Odocharta cum peditum millibus duobus, invictâ acie, tentoria pandit. Nec procul Orruarkus consedit cum peditibus centum quadraginta. Interim Navalis cum navibus et phasellis viginti in Sligachæ portum

(*a*) Captaine Tibot ne long? first Viscount Mayo, and son of the Connaught heroine Grany ua Male, or Grace O'Malley. From his name he seems to have inherited his mother's love of ships and maritime adventure.

portum appulit, exsilire in terram non ausus, Cliffordi adventum præstolatur. Cliffordus ex Ibernis et Anglis legionariis, et Ibernis auxiliaribus duo millia et quingentos pedites electæ juventutis, et tres equitum turmas cogit. Inter auxiliares notissimi erant Oconchur Donnus Planicici Connachticæ princeps, Mehmarius Macsuinnius, Tuethiæ princeps, qui iratus Odonello nuper ad Anglos defecerat, et Richardus Burkus, Dunkillini Baro, Comitis Ulligi filius. Cliffordus Anthloniâ procedens cum signis militaribus, pedestribus triginta sex, et equestribus tribus, Bulliam pervenit. Odonellus in eâ montis parte, quæ dicitur Iter Pallidum" [Bealachbui], "arbores hinc inde cædi, in via sterni jubet, ut venientibus hostibus impedimento, et resistenti sibi munimento sint: nam in eo-loco statuit dimicare, citra quem duobus fere millibus passuum castra collocaverat. Jamque appropinquante die festo Virginis Matris Assumptæ Catholici omnes per confessionem a peccatis expiantur, pridie festum jejunant, et in ipso festo Christi Domini corpus accipiunt. Erat illa dies obscura nubibus et pluviosa. Ob quod Odonellus putans hostem non moturum castra, ipse ad Iter Pallidum, ubi ex commodo certare posset, omisit movere. Cæterum Macsuinnius ratus eam commodam occasionem, quód Odonellum propter pluviam ex pellibus non exiturum judicabat, Cliffordo persuasit, ut iter arriperet. Cliffordus Grifino Markamo equiti aurato Anglo, magistro equitum, cum equitatu Bulliæ relicto, quod in monte non posset per equites rem commodé geri, ipse cum peditibus incustoditum aditum occupat. Vix communioni Catholici imponebant finem, cum equites exploratores reversi retulerunt hostem fuisse Pallidum Iter et cæsas arbores transgressum. Extemplo jubet Odonellus milites cito capere cibum, quo firmiores præliando sint, mox ita alloquitur. 'Mariæ Deiparæ Virginis Sacrosanctæ ope hostem Hæreticum cúm antea semper vicimus, tum hodie potissimum profligabimus. Virginis nomine heri jejunavimus, et hodiernum festum celebramus. Ergo eodem nomine fortiter et animose cum Virginis hostibus pugnemus et victoriam obtinebimus.' Quâ oratione militibus ad pugnam vehementer accensis, sexcentos bombarios præmittit ducibus Eugenio Macsuinnio Tuethio, et Ægydio Tullioque Ogallachuribus jussos hostem impetere, et tardare, dum ipse hastatorum agmina instruat. Hostis ex itinerum angustiis in medium, et planum, montem ascenderat, et horâ diei circiter undecimâ pluvia cessabat, cum Odonelli fulminatores occurrunt. Ibi æquo loco ingente juventutis animo plumbeis pilulis eminus acerrimé cœpit pugnari, et mutua vulnera inferri. Iberni fulminatores cedunt, qui ducibus objurgantibus rem male geri, et pro Virgine parum strenue dimicari, convitiis exagitati pudore simul, et studio rei bene gerendæ pro Virgine, moti velitationem redintegrant. Vix credibile est quanto animo, quantâque constantiâ et dexteritate partis utrinsque bombardarii pugnaverint. Regii Seloperarii ad hastatorum agmina compelluntur, et ipsa agmina pilorum grandine obruta, et vulnerata, circumventa a fronte, et ab utroque latere, ter sese in gyrum vertunt, inscia quid agant. Perculsis Orruarks addit ter-

rorem cum centum quadraginta peditibus veniens Catholicis auxilio. Quo viso universus regiorum exercitus terga vertit, magnâ strue armorum relictâ. Catholici insequuntur. Odonellus cum hastatis, etsi properabat, non tamen est nactus pugnam integram. Quare credo non nisi Virginis Matris ope regios fuisse a fulminatoribus in fugam versos. Fugientium atque palantium tergis hærent Catholici per tria millia passuum. Cliffordus a militibus Ibernis duobus, quibus magnum præmium proposuit, diu levatus tandem cursu superatus occiditur, per latus trajectus hastâ. Arbores cæsæ et impeditum iter fugientibus magno impedimento erant, ubi non modo arma sed et vestes relictæ sunt. Vix evasit Dunkillini Baro. Mille passibus a Bullià occurrit fugientibus auxilio Griffinus cum omni equitatu, primosque Catholicos hostem incomposité sequentes et occidentes in fugam vertit; sed Orruarko Catholicos recipiente et confirmante et hostibus resistente, duo vulnera accipiens duplici glande, alterum dexterâ manu, alterum dextero femine, equitatum pedem referre facit. Rursus sequuntur Catholici usque ad Bulliam, quo Griffinus se recipit."—*O'Sullevan*, pp. 165–6.

Page 45, *line* 25.

Sir Alix. Ratcliff.—"Alexandro Ratcliffo de Ordsall ex equestri ordine, et multis veteranis occisis."—*Camdeni An.* vol. iii. p. 791.

Page 47, *line* 1.

By the vertu of Sir Griffin Markham.—Moryson says that Lord Southampton's horse were commanded by Captain John Jephson, to whom he gives the praise of securing the retreat of the army by charging "upon the causey, and to the very skirts of the wood, with such resolution as the rebels, either thinking horse could not have served there, or expecting advantages upon them in that boggy place, stood gaping on them, and gave way without any resistance, for a good space, in which our men had leasure to retire over a ford into the plaine, where the carriages were, and thence to the Abbey of the Boyle, being very neere the place."—Part ii. p. 38. Moryson and Camden say that the English troops were discouraged by the want of powder, almost all they had about them being spent; and Moryson adds, that he had heard this mischance attributed "to an unorderly turning of the whole van, which, though it were toward the enemy, yet being mistaken by some common souldiers for a flight, it caused a general rowte."

Page 47, *line* 10.

By O'Rurke.—O'Rourke had an hereditary cause of enmity to the English. In 1590, Brian O'Rourke, who was driven into rebellion by the fate of M'Mahon of Monaghan, was defeated by Sir Richard Bingham, and forced to take refuge in Scotland. At the request of Elizabeth he was given up by King James, and tried at Westminster Hall.

Hall. The following account of his trial and accusation is taken from Camden, Annales, 1591. "Accusatur quod Alexandrum Mac Connellum et alios in Reginam excitasset et fovisset; Reginæ effigiem in tabulâ depictam ad equi caudam appensam per ludibrium raptari, et contumeliosè dissecari jussisset; Hispanos naufragos hospitio contra Proregis-edictum, recepisset; fidelium subditorum ædes per incendiarios in cineres redegisset, plures interemisset, et Hiberniam Scotorum Regi possidendam obtulisset. Ille per interpretem hæc edoctus, nam Anglicè nesciebat, homo barbaré insolens duodecim virorum judicio se submittere recusavit, nisi comperindinaretur, advocatus assignaretur, accusationes ex Hiberniâ missæ in manus traderentur, et ipsa Regina pro tribunali judex sederet. Quum primarius Angliæ Justitiarius per interpretem respondisset. Si duodecim virorum judicio de facto se non submitteret, judicandum tamen esse ex lege secundum accusationis capita, nihil aliud retulit quam.—*Si ita visum ita fiat.* Sententiâ mortis in eam prolatâ, post aliquot dies ad Tiburnas furcas proditorum supplicium animo præfracto pertulit, irridens Meilerium Creah, Archiepiscopum Cassiliensem, qui Hibernicè consolari cœperat, ut ambiguæ fidei et depravatæ vitæ hominem, quod ejuratâ Franciscanorum regulâ votum violasset."

Page 48, *line* 5.

Tyrone.—In 1593, on the death of Turlogh Leinigh, Tyrone, contrary to his oath, assumed the name of Oneal. "Præ quo," says Camden, "vel Cæsaris titulus in Hibernia sordet." This Oneal was accustomed to say that he would rather be Oneal of Ulster than King of Spain.

Page 48, *line* 8.

Lord Lieutenant General.—It is evident from this sentence that this relation was written before Essex was removed from the Lieutenancy.

Page 48, *line* 18.

Castle Kerran.—Castle, or Trystel Keran; there was a church here appropriate to the Priory of St. John the Baptist at Kells, of which there are some interesting remains. In the yard are three Termon crosses.

Page 48, *line* 21.

Donnemaine in Ferny.—"The Manor of Donaghmayn and the lordship of Fernewey (Ferny), which had been part of the estate of Roger Pipard, were granted by Edward III. to Roger Gernon, of Gernonstown, who had likewise other grants made to him for his services in the battle of Dundalk, against Edward Bruce."—*Rot. Pat.* 13 Ed. II. 91, 92, and *Pat.* ii. *Hen.* v. 22. "In 1573, the whole Barony of Donemaine, otherwise

called the Ferly (Ferny), and Clankavel were granted by Queen Elizabeth to Walter Devereux, Earl of Essex, father of Earl Robert," from whom the present proprietor is descended.—*Davies' Letter to Earl of Salisbury.* For some time previous to the grant to Essex these lands were probably in the possession of the M'Mahons of Monaghan, to one of whom the lands of Fernewy had been leased for life, at the rent of 10£ a year, in the 3rd of Hen. IV. When the moyety of the Signiories of Clandeboy, Ferny, &c., were granted to Essex, it was agreed that for the first two years the Queen and the Earl should each keep 200 horse and 400 foot, and that every horseman volunteer who should serve gratis for two years, should have 400 acres of land, and a footsoldier 200 acres, ad 2*d.* an acre, quit rent."—*Cox Hib. Ang.*, vol. i. p. 339.

Page 50, *line* 2.

Nobber.—Nobber, which was then considered the key of the county of Meath, was fortified in 1435, as appears from the following order: "Rex Christofero Preston armigero (recitat monstrasse sibi communes Hibernie et precipue communes comitatûs Midie villam de Nobbre, que quedam clavis est dicti comitatûs, fuisse nuper combustam per Hibernicos inimicos, nec posse relevari absque fossatis et fortaliciis factis et emendatis), concessit licenciam quod sumonire possit per tres dies quolibet quarterio anni per 3 annos, omnes domesticos, alias husbands, habiles ad laborandum, ac alios servientes et laborarios intra dictam villam et Baroniam de Margallyn commorantes ad laborandum et construendum fossata et fortalicia prædicta, ipsumque assignavit ad omnia premissa facienda."—*Dub.* 10 *Mar. Rot. Pat.* 13 Hen. VI. 92.

Page 50, *line* 7.

Belladyne.—"Balla Clinch, haud procul a Loutho, primario Comitatûs oppido."—*Camdeni Annales*, vol. iii. p. 791.

Page 50, *line* 14.

Tyrone tooke of his hatt.—"Hinc Prorex, turmâ equitum in proximo colle dispositâ, solus descendit; Tir-Oenius, equo ventre tenus in aquas immisso, Proregem in ripâ magnâ observantiâ salutat, et multis ultro citroque verbis, sine arbitris, habitis fere hora est consumpta."—*Cam. ubi supra.*

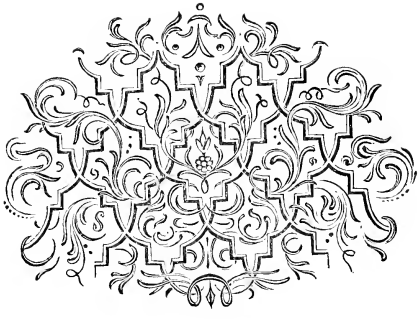
Page 50, *line* 18.

The parties present at this second conference, which, according to Camden, did not take place on the same day with the first, are thus given in his Annals. With Tyrone, his brother Cormac, Mac Gennys, Mac Guir, Ever Mac Cowley, Henry Ovington,

ton, and O'Quin; with Essex, the Earl of Southampton, Sir George Bourchier, Sir Warham St. Leger, Sir Henry Danvers, Sir Edward Wingfield, and Sir William Constable. The name of Henry Wootton is not mentioned by Camden, whose account agrees precisely with that given by *Fynes Moryson*, part ii. p. 38.

Page 50, *line* 19.

Sir George Bourchier.—"Was the third son to John Earl of Bath, whose ancestors were descended from out of the loins of kings, and men of great honors and nobility. And this gentleman having some notion of the value and valiantness of his ancestors derived and descended upon him, was affected and given to all feats of chivalry, and especially to the service of the wars, wherein he proved a very good soldier, and an expert captain, both as a horseman and as a footman. If he served upon foot he was apparelled in the manner of a kerne, and a foot soldier, and was so light of foot as no kerne swifter, for he would pursue them in bogs, in thickets, in woods, in passes, and in streights. If he were to serve upon his horseback, his daily service can witness sufficiently how much and how often he prevailed against the enemy."—*Hooker*, p. 370.



APPENDIX.

APPENDIX.

THE RATE OF THE WAGES OF THE GALLOGLAS AS THEY BE PAID IN MONEY AND VICTUALLS, RATED AFTER THEIR OWN CONFESSION BEFORE SIR THOMAS CUSACK AND MR. SECRETARY.

At Dublin, 17° *Novembris*, 1568.

APon conference had with the captens of the three septes of the Queens Majesties Galloglasses by Sir Thomas Cusake, Knighte, and John Chaloner, her Majesties Secretarie in this realme, by the apoyntement of the Lorde Deputie, to witt and certifie what the wages and entreteynement of every sparre of her Majesties Galloglasses oughte to be of dutie ordinarilye in every place where the same is leviable: they have related as foloweth, videlicet,

That in every place where ther is to be levied an wholle quarters bonaghte vnto them, videlicet, for the wholle quarter of the yere they muste have of all places within Leymistre, Mounster or Vlster, for every sparre (which maketh two men)[a], by the name of the quarters wages v^{s} viij^{d} Irishe, and the dayly dietts halfe in money, videlicit, a penny sterling the meale for eche man, which for the wholle quarter amounteth vnto xl^{s} vi^{d} ob. Irish, and also the other halfe diettes in victuels, videlicet, for every sparr xv. peckes and a hoope of bredd corne[b] for six score and two cakes of bred after the rate of halfe an hoope of corne for every cake, and also xviij. score and six quartes of butter vnto those cakes, after the rate of three quartes of butter to every cake, and v. quartes to a gallon.

And that in the Annaley and in Connaught where the wholle quarters bonaght is to be levied vnto them, they muste have for dietts halfe money and halfe dietts as aforeseid, but for the wages of every sparre more videlicet vij^{s} Irish.

But where their bonaght is for lesse then the quarter of a yere; there they muste have but the wages and dietts of money onlye, and no victuells, that is to witt, wages as

[a] *Every sparre (which maketh two men).*—"Ten scor sparres amounteth to twenty score men." Report on Ireland, 1534.—*State Papers*, vol. ii. part iii. p. 185. In the vocabulary printed at the end of the State Papers, a Bataille, a *Battallier*, it is said, seems to have consisted of 60 or 80 galloglasses, but at page 115, vol. ii. part iii. the Earl of Kildare's galloglasses consisted of but "sextene in a batayle."

[b] *A hoope of bred corne.*—This measure, which is not mentioned in Harris's Ware, chap. xxxiii. must have contained a quarter of a peck.

as aforesaid, after the rate of the tyme; and dietts for the rate of the tyme only, after iiij^{d} sterling, per diem for every sparre and no more.

According to the which rates the Bonaghtes due and leviable upon the Irishe Captenries and countreys by their enformacion conferred with the olde councell booke, so ferre furth as is there registred, and further by sighte of former warrants of their bonaghtes, the countrepaynes of captens indentures not yet perused amounte as on the other syde may appere.

BONAGHTES DUE TO THE QUEENS MAJESTIE FOR HER GALLOGLASSES.

		Wages in Money.	*Dietts in Money*	*Dietts in Victuells.*
	IN CONNAGHTE.			
Sparres : iiij^{xx}. . .	Apon Birmingeams contrey, for 14 dayes yerlye,	iiij^{l} vi^{s} ij^{d} Irishe.	xviij^{l} xij^{s} iiij^{d} Sterling.	Nothing.
Sparres : iiij^{xx}. . . .	Apon Oconor Roo, for iiij^{or}. weekes,	viij^{l} xij^{s} iiij^{d} Irishe.	xxxvij^{l} vi^{s} viij^{d} Sterling.	Nothing.
Sparres : viij^{xx}. . .	Apon Oreiglyes contrey, for the wholle quarter of a yere, yerlye,	lvj^{l} Irishe.	ccxlij^{l} vi^{s} viij^{d} Sterling and	Bred corne, 2440 pecks. Butter, 58,560 quartes.
Sparres : vi^{xx}. . . .	Apon the Annaley, for a wholle quarter of a yere, yerely,	xlij^{l} Irishe.	ciiij^{xx}ij^{l} x^{s} Sterling and	Bred corne, 1830 pecks. Butter, 43,920 quartes.
	IN MOUNSTRE.			
Sparres : xl^{ti}. . . .	Apon Odwyers contrey for iiij^{or}. weekes yerlye,	lxix^{s} ix^{d} Irishe.	xviij^{l} xiij^{s} iiij^{d} Sterling.	Nothing.
Sparres : lx^{ti}. . . .	Apon Mac ybrien arra, for iiij^{or}. weeks yerly,	v^{l} iiij^{s} vij^{d} ob. Irishe.	xxviij^{l} Sterling.	Nothing.
Sparres : lx^{ti}. . . .	Apon Woney Omulryan, for iiij^{or}. weekes yerelye,	v^{l} iiij^{s} vij^{d} ob. Irishe.	xxviij^{l} Sterling.	Nothing.
Sparres : lx^{ti}. . . .	Apon Mac ybrien Ogownaghe, for iiij^{or}. weekes, yerlye,	v^{l} iiij^{s} vij^{d} ob. Irishe.	xxviij^{l} Sterling.	Nothing.
Sparres : iiij^{xx}. . . .	Apon William Burke quondam Hugh Burk, of Criegh Clenwilliam, for vi. weekes yerlye,	x^{l} ix^{s} iij^{d} Irishe.	lvi^{l} Sterling.	Nothing.
Sparres : vi^{xx}. . . .	Apon Burke, besides Lymerike, for vi. weekes yerlye,	xv^{l} xiij^{s} x^{d} ob. Irishe.	iiij^{xx}iiij^{l} Sterling.	Nothing.
Sparres : vi^{xx}. . . .	Apon O Kennedye, for a moneth yerly,	x^{l} ix^{s} iij^{d} Irishe.	lvi^{l} Sterling.	Nothing.

Wages

		Wages in Money.	*Dietts in Money.*	*Dietts in Victuells.*
		IN VLSTER.		
Sparres : iiij^{xx}, for his contrey, xl^{ti}. for Ferney,	Apon Mac Mahon, for a quarter of a yere, yerlye,	xxxiiij^{l} Irishe.	ciiij^{xx}ij^{l} x^{s} Sterling.	Bred corne 1830 peckes. Butter 43,920 quartes.
Sparres : vi^{xx}. . . .	Apon Macgynisses contrey, for a quarter of a yere, yerly,	xxxiiij^{l} Irishe.	ciiij^{xx}ij^{l} x^{s} Sterling.	Bred corne 1830 peckes. Butter 43,920 quartes.
Sparres : xl^{ti}. . . .	Apon Ohanlons contrey, for lyke tyme yerlye,	xi^{l} vi^{s} viij^{d} Irishe.	lx^{l} xvi^{s} viij^{d}. Sterling.	Bred corne 610 peckes. Butter 14,640 quartes.
		IN LEMISTER.		
Sparres : vi^{xx}. . . .	Apon the Byrnes, for a quarter of a yere, yerly,	xxxiv^{l} Irishe.	ciiij^{xx}ij^{l} x^{s} Sterling.	Bred corne 1830 peckes. Butter 43,920 quartes.
Now the enrollment of the contracte sayth for iiij^{or}, vi, or viij weekes, or for a quarter of a yere, when and as need requireth, not specifieng yerlye.				
Sparres : vi^{xx}. . . .	Apon McEdmond Duffs, Mc Vadak and M^{c} davy Mores contreyes, for lyke tyme yerely,	xxxiv^{l} Irishe.	ciiij^{xx}ij^{l} x^{s} Sterling.	Bred corne 1830 pecks. Butter 43,920 quartes.
Sparres : lx^{ti}. . . .	Apon the iij. septes of the Cavenaghes, for lyke tyme yerlye,	xvij^{l} Irishe.	xcl^{l} v^{s} Sterling.	Bred corne, 915 pecks. Butter, 21,960 quartes.
Sparres : xl^{ti}. . . .	Apon the Morroughes contrey, for lyke tyme yerlye,	xi^{l} vi^{s} viij^{d} Irishe.	lx^{l} xvi^{s} viij^{d} Sterling.	Bred corne, 610 pecks. Butter, 14,640 quartes.
Sparres : iiij^{xx}. . .	Apon Vpperossirie for lyke tyme yerlye,	xxij^{l} xiij^{s} iiij^{d} Irishe.	cxxi^{l} xiij^{s} iiij^{d} Sterling.	Bred corne, 1220 pecks. Butter, 29,280 quartes.
Sparres : iiij^{xx}. . . .	Apon Ocaroll, for his owne contrey, for lyke tyme yerlye,	xxij^{l} xiij^{s} iiij^{d} Irishe.	cxxi^{l} xiij^{s} iiij^{d} Sterling.	Bred corne, 1220 pecks. Butter, 29,280 quartes.
Sparres : xl^{ti}. . . .	Apon Mc Cowghlan's contrey, for lyke tyme yerlye,	xi^{l} vi^{s} viij^{d} Irishe.	lx^{l} xvj^{s} viij^{d} Sterling.	Bred corne, 610 pecks. Butter, 14,640 quartes.
Sparres : vi^{xx}. . . .	Apon O Kelleys contrey for lyke tyme yerlye,	xxxiv^{l} Irishe.	ciiij^{xx}ij^{l} x^{s} Sterling.	Bred corne, 1830 pecks. Butter, 43,920 quartes.
Sparres : iiij^{xx}. . . .	Apon Omoloyes contrey, for half a quarter of a yere yerlye,	xi^{l} vi^{s} viij^{d} Irishe.	lx^{l} xvi^{s} viij^{d} Sterling.	Nothing.
Sparres : iiij^{xx}. . . .	Apon Omaddens contrey, for a moneth yerlye.	vi^{l} xix^{s} vi^{d} Irishe.	xxxvij^{l} vi^{s} viij^{d} Sterling.	Nothing.

		Wages in Money.	*Dietts in Money.*	*Dietts in Victuells.*
	Summa totalis of eche sorte of the seid bonaghts, according their titles and .... aforseyd,	iiij^{c}li^{l} vij^{s} x^{d} Irishe. for iij^{c}xxxviij^{l} x^{s} ix^{d} Sterling.	ii^{m}iij^{c}viij^{l} xv^{s} Sterling.	Bred corne, 18,600 pecks for after ij^{s} sterling the pecke, i^{m}viij^{c}lx^{l} sterling. Butter after v quartes to the gallon, 89,304 gallons, for after xviij^{d} sterling the gallon, vi^{m} vi^{c} iiij^{xx} xvii^{l} sterling.

F I N I S.

ANNALES

DE

MONTE FERNANDI.

ANNALES

DE

MONTE FERNANDI.

(ANNALS OF MULTIFERNAN.)

EDITED BY

AQUILLA SMITH, M.D., M.R.I.A.

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INTRODUCTION.

THE following Annals commence A. D. 45, and terminate with the year 1274; and although it must be admitted that they record few facts relating to the history of Ireland, which are not already published, they claim some degree of attention from their antiquity, and are, perhaps, the most ancient annals of this country written exclusively in the Latin language.

The original MS. from which they are printed formerly belonged to Primate Ussher, and is now in the Library of Trinity College, Dublin[a]. It consists of only ten small leaves; more than one-half of the last page is blank; the writing is uniform and coeval with the date of the latest event recorded. It has every appearance of being complete, and is in a high state of preservation. It is bound up with several ancient tracts.

A copy of these Annals, or rather an abstract on paper, is also preserved in the same Library[b], among the MSS. bequeathed to the University by Dr. Stearne, Bishop of Clogher. This abstract is in the handwriting of the learned William Molyneux, who died in 1698. At the left corner of the first page is the title "Annales montis feranandi;"

[a] Class. C. Tab. 5, No. 8.

[b] Class. F. Tab. 1, No. 18, p. 303.

nandi;" at the right, "Forte Domus de Strade in C. Maio;" and in the centre, "Annales Domus fratrum de Multifernan;" written in the same hand as the Annals.

Sir James Ware, in his "Writers of Ireland," says that these Annals were "commonly called the Annals of Mount Fernand, or of the Franciscans of Multifernan"[c], a monastery in the county of Westmeath, founded by William Delamer, in the year 1236. On this authority they have been generally quoted as the Annals of Multifernan.

In the Chandos collection, which was sold by auction in 1746 or 1747, there were two copies of the Annals of Multifernan[d].

One of the copies formerly in the Chandos collection is now in the British Museum[e]. Bishop Nicolson tells us that in one of them is the following remark: "In iis [annalibus] nulla deprehenduntur vestigia sive auctoris sive loci, ad quem olim pertinebant. Sed, quia ibi crebra fit mentio de rebus Conatiensibus, et speciatim de antiqua familia Dexeterorum (sive de Exonia) Athlethanæ Dominorum, et Cœnobii Stradensis fundatorum; inde orta est suspicio, ad Cœnobium fratrum Prædicatorum Stradæ prope Athelthan, in comitatu Maio, pertinuisse, et ejus loci Dominicanum aliquem horum annalium fuisse auctorem; fortasse (inquit Waræus) fratrem Stephanum

[c] Harris's Edition, p. 77.

[d] Bibliotheca MS. Stowensis, vol. i. pp. 173, 209.

[e] Additional MSS., No. 4789, fol. 137. The Editor in indebted to Mr. Holmes of the British Museum, for collating the printed text with the copy in the Museum, which corresponds exactly with Dr. Stearne's copy in Trinity College Library, Dublin. It was formerly Ware's, then Lord Clarendon's, after his death was purchased by the Duke of Chandos, and bought at his sale by Dean Milles, who bequeathed it to the Museum. It bears the title, "Annales Domus Fratrum de Multifernan," and in a later hand, "Forte annales Cœnobii Dominicanorum Stradæ in Com. Maio." In the Table of Contents prefixed to the volume, is the remark as given by Nicolson.

num de Exonia, quem natum perhibent, A. D. 1246, et inductum 1263[f]."

It does not appear that there is any evidence for attributing these Annals to Multifernan, except the passage already quoted from Ware; and as there were not any religious houses founded in Ireland by the family of Dexter, except Strade and Rathbran, both in Mayo, the evidence of the Annals themselves, as stated by the writer of the note in the Chandos copy, renders it more probable that they were written at Strade, where a religious house was founded by the sept of M'Jordan for Franciscans, and given to the Dominicans in 1252, by Jordan de Exonia. It is a remarkable fact, that the latest entry (1274) in these Annals, corresponds with the date of the foundation of the Monastery of Rathbran, to which house Strade was subject[g].

If the appointment of G. de Slane to the office of "Minister" mentioned in these Annals under the year 1266, was connected with the religious house in which they were written, it creates a difficulty in appropriating them to Strade, which was given to the Dominicans in 1252, by Jordan de Exonia; for the title of "Minister" was peculiar to the head of a Franciscan establishment. Archdall, however, asserts that the sept of M'Jordan founded a house at Strade, prior to 1252, for friars of the order of St. Francis[h].

Although it cannot now be determined in what religious house these Annals were compiled, there is some probability in Ware's conjecture, that their author was Stephen de Exonia[i], who, according to these Annals, was born in 1246, and took the habit of his order in 1263, about which date the entries under each year begin to be more full, particularly in matters relating to Ireland, and are so continued to

[f] Irish Historical Library, p. 37.
[g] Ware's Antiquities, p. 277.
[h] Monasticon, p. 509.
[i] Writers of Ireland, p. 77.

to the end. There is also frequent mention of the family of De Exonia or Dexter, from the year 1261, while the name of Delamer, the founder of Multifernan is not mentioned.

The Editor has not considered it necessary to comment on any of the events recorded, except such as relate to Ireland, and on these he has been as brief as possible, restricting his remarks chiefly to the discrepancies between these Annals and the authorities most generally received.

The text has been printed as nearly in accordance with the original as circumstances would permit. The contracted words have been in general restored to their full length; but the Editor has not ventured to do so in any instance in which he might incur the risk of corrupting the text. The few interpolations inserted by a later hand in the MS. are printed in Italics, and such emendations as have been introduced by the Editor are placed between brackets.

A. S.

ANNALES

ANNALES DE MONTE FERNANDI.

ANNO ab incarnacione Domini xlv. Chathedra sancti Petri Rome. Obiit Caius, successit Claudius, qui Brittanniam acquisivit.

Anno xlviij. Marcus scripsit euvangelium.

Anno xlix. Ob. beata virgo Maria, anno vite sue lxiii.

Anno lviij. Beatus Jacobus lapidatus est, sed non extinctus totus.

Anno lix. Festus procurator Judee, a quo Paulus vinctus est, Romam mittitur.

Anno lxij. Jacobus frater Domini, a Judeis est lapidatus.

Anno lxiij. Ob. beata Maria Magdalena.

Anno lxix. Passio apostolorum Petri et Pauli. Poeta Lucanus moritur. Seneca interficitur *precepto Neronis*.

Anno lxxij. Subversio Jerl'm. sub Tito et Vaspasiano. Ob. Cletus episcopus, successit Clemens.

Anno lxxiij. Ob. Marcialis episcopus, *pridie Kal. Julii*.

Anno lxxxiij. Johannes ewangelista in Pahtimos relegatur.

Anno lxxxv. Johannes scripsit euvangelium.

Anno nonagesimo septimo. Passio sancti Dionisii sociorum est.

Anno nonagesimo nono. Ob. Clemens, cui successit Anacletus.

ANNO centesimo. Ob. Johannes apostolus, *quinquagesimo etatis sue, nonagesimo viij*.

Anno centesimo iiij. Plinius secundus historiacus claruit.

Anno centesimo xiiij. Alexander papa constituit aquam benedictam fieri.

Anno centesimo xxiiij. Sixtus papa constituit "sanctus" cantari in missa.

Anno centesimo xxxiiij. Tellophorus papa constituit "gloria in excelsis" et quadragesimam jejunare.

Anno centesimo lvi. Lucius rex Brittannie christianus efficitur, sub papa Eleutherio.

Anno centesimo lvij. Aquila primus interpres ex hebreo in grecum floruit, Adriano regnante.

Anno centesimo lxxxiij. Theodosius interpres ex hebreo in grecum floruit, Comodo regnante.

Anno centesimo [lxx] xviij. Symacus interpres et Tertullianus floruerunt.

ANNO ducentesimo ij. Victor papa constituit ut Pasca die dominico celebraretur.

Anno ducentesimo xiiij. Tertullianus orator claruit.

Anno ducentesimo xxiiij. Ob. Aurelianus, successit Alexander papa. Origenes claruit.

Anno ducentesimo xxxiiij. Invencio sancte crucis.

Anno ducentesimo xlvi. Philippus primus imperator christianus.

Anno ducentesimo xlix. Millesimus annus ab urbe condita.

Anno ducentesimo lv. Anastasius et Hillarius claruerunt. Donatus artis gramatice scriptor.

Anno ducentesimo lxv. Sixtus papa et beatus Laurencius martirizati sunt. Ossa beati Andree et beati Luce apostolorum Constantinopolim claruerunt.

Anno ducentesimo lxxxvi. Sanctus Albanus marti[ri]zatur.

ANNO tricentesimo xvi. Silvester papa annis triginta tribus.
Anno tricentesimo xliiij. Marcus papa constituit "credo" in missa.

Anno tricentesimo lxix. Ob. Ambrosii Mediolanensis episcopi. Marcus Turonis episcopus claruit.

ANNO quadringentesimo iiij. Innocencius papa constituit jejunare sabbato, quod Dominus jacuit in sepulchro.

Anno quadringentesimo x. Invencio corporis sancti Stephani. Augustinus composuit librum "de civitate dei."

Anno quadringentesimo xij. Ob. Martini Turonis episcopi.

Anno quadringentesimo xiij. Jeronimus claruit. Corpus beati Johannis baptiste Constantinopolim est delatum.

Anno

Anno quadringentesimo xviij. Zizimius [Zozimus?] papa fecit benedictum cereum pascalem.

Anno quadringentesimo xx. Ob. Jeronimus presbiter.

Anno quadringentesimo xxiij. Ob. beatus Augustinus. Palladius mittitur ad Scottos, id est, ad Hibernicos.

Anno quadringentesimo xxiiij. Exordium regum Francorum, primus Faramundus.

Anno quadringentesimo xxx. Secundus rex Francie Glodus.

Anno quadringentesimo xxxij. Beatus Patricius venit in Hiberniam.

Anno quadringentesimo xxxvij. Moroveus tercius rex Francie.

Anno quadringentesimo xxxix. Beata Brigida nascitur.

Anno quadringentesimo liiij. Anglici venerunt in Angliam.

Anno quadringentesimo lxxiij. Sanctus Remigius Remensis claruit.

Anno quadringentesimo lxxv. Gothi Ytaliam, Wandalici et Almanni Gallias agrediuntur.

Anno quadringentesimo lxxxviij. Clodoveus a beato Remigio baptizatur.

Anno quadringentesimo nonagesimo. Sanctus Mamertus rogaciones instituit.

ANNO quingentesimo lx. [ix?] Ob. beatus Benedictus.

Anno quingentesimo xxij. Johannes papa Franciam ad Christum convertit.

Anno quingentesimo xxx. Arator claruit.

Anno quingentesimo xlij. Arthurio letaliter vulnerato, Constantino nepoti Arthuri tradita est Britannia.

Anno quingentesimo l. Edilhant primus rex christianus in Angliam [*sic.*]

Anno quingentesimo nonagesimo ij. Ob. papa Pellagius, cui successit beatus Gregorius.

Anno quingentesimo nonagesimo ix. Beatus Augustinus intravit Angliam, *et tunc erant tres reges de Britonibus et tres de Saxonibus.*

ANNO quingentesimo centesimo iiij. Ob. beatus Gregorius, cui successit beatus Fabianus.

Anno quingentesimo centesimo lxxxviij. Ysidorus claruit.

ANNO septingentesimo xvij. Karolus filius Pipini fit dominus.

Anno septingentesimo xxix. Beda claruit.

Anno septingentesimo lij. Stephanus fit Papa. *Pipinus fit rex.*

Anno septingentesimo lxxvi. Conversio Saxonum.
Anno septingentesimo lxxix. Karolus Saxoniam venit.
Anno septingentesimo lxxx. Saxonia capta est.
Anno septingentesimo lxxxi. Karolus Romam adiit.
Anno septingentesimo nonagesimo vij. Fundatur Abbacia de Wycumbe.

ANNO octingentesimo. Karolus fit imperator. Lodowicus perrexit in Britanniam.
Anno octingentesimo lxxvii. Bollo et sui Normanniam penetraverunt.
Anno octingentesimo nonagesimo iij. Capta est civitas Eboracenum.
Anno octingentesimo nonagesimo viij. Adrianus creatus in papam.
Anno octingentesimo ix.

ANNO nongentesimo i. Edwardus rex Anglie.
Anno nongentesimo xix. Ob. Conradus, successit Henricus.
Anno nongentesimo xlij. Occiditur Willelmus dux Normannie.
Anno nongentesimo li. Occiditur Eadmundus, successit Eadredus.
Anno nongentesimo lxxij. Ob. Otto imperator.
Anno nongentesimo lxxv. Ob. Eadredus, successit Edwardus.
Anno nongentesimo l[xx]ix. Ob. Sanctus Edwardus martirio, successit Edildredus.
Anno nongentesimo lxxxiiij. Ob. Edwoldus episcopus.
Anno nongentesimo lxxxix. Ob. Dunstanus archiepiscopus.
Anno nongentesimo nonagesimo vi. Ob. Ricardus primus dux Normannie, cui successit Ricardus filius ejus.

ANNO milesimo xij. Elphegus archiepiscopus martirizatur.
Anno M°. xxxv. Ob. Cnuht rex Anglie, successit Haraldus frater ejus.
Anno M°. xxxix. Clemens creatus est in papam.
Anno M°. xl. Ob. Haraldus, successit Hardecnuht filius ejus.
Anno M°. xli.
Anno M°. xlij. Ob. Hardecnuht, successit Edwardus.
Anno M°. xliij.
Anno M°. xliiij.
Anno M°. xlv.
Anno M°. xlvi.

Anno

Anno M°. xlvij.
Anno M°. xlviij.
Anno M°. xlix.

ANNO M°. quinquagesimo.
Anno M°. li.
Anno M°. lij.
Anno M°. liij.
Anno M°. liiij.
Anno M°. lv.
Anno M°. lvi.
Anno M°. lvij.
Anno M°. lviij.
Anno M°. lix.

ANNO M°. lx.
Anno M°. lxi.
Anno M°. lxij.
Anno M°. lxiij.
Anno M°. lxiiij.
Anno M°. lxv. Ob. beatus Edwardus rex Anglie, et ij. die consecratus est Haraldus in regem. *va capitur Anglia a Willelmo Strangbowe cat.*
Anno M°. lxvi. Willelmus Bastard dux Normannie cepit Angliam, et vicit Haraldum, et vulneravit apud Astingas, qui multis annis postea vixit. Bellum fuit commissum ij. idus Octobris. Eodem anno idem Willelmus coronatur aⁿ natal. domini.
Anno M°. lxvij. Visa est commeta.
Anno M°. lxviij.
Anno M°. lxix. Bellum in Bledima.
Anno M°. lxx. Bellum inter Philippum regem Francie, et Robertum comitem Flandrie, victus est rex Philippus.
Anno M°. lxxi. Lanfraccus fit archiepiscopus Cantuarie.
Anno M°. lxxij.
Anno M°. lxxiij.
Anno M°. lxxiiij.
Anno M°. lxxv.

Anno M°. lxxvi. Occisus est dux Waldeolphus.
Anno M°. lxxvij.
Anno M°. lxxviij.
Anno M°. lxxix.

ANNO M°. lxxx. Ventu valido Walterus Denelmensis episcopus occisus est.
Anno M°. lxxxi.
Anno M°. lxxxij.
Anno M°. lxxxiij. Obiit Matildis prima regina Anglie, primi regis Anglie, qui quarto anno reliquit filio suo regnum temporale.
Anno M°. lxxxiiij.
Anno M°. lxxxv. Urbanus fit papa.
Anno M°. lxxxvi.
Anno M°. lxxxvij. Ob. Willelmus Bastard rex. Translacio Sancti Nicholai de Mirrea in Barrum. Waterford comburitur a Dublinensibus.
Anno M°. lxxxviij. Willelmus Rufus, filius W. Bastard, coronatur.
Anno M°. lxxxix. Ob. Lanfrancus archiepiscopus. Osmundus constituit canonicos Salisbyrie.

ANNO M°. nonagesimo.
Anno M°. nonagesimo i.
Anno M°. nonagesimo ij.
Anno M°. nonagesimo iiij. Anselmus eligitur in archiepiscopum Cantuarie.
Anno M°. nonagesimo iiij. Ob. Maccolmus rex Scottorum.
Anno M°. nonagesimo v.
Anno M°. nonagesimo vi. Urbanus papa predicavit iter Jorosolim'.
Anno M°. nonagesimo vij.
Anno M°. nonagesimo viij. Antiochia capta est. Abbacia Cisterciens' fundatur. Commeta apparuit.
Anno M°. nonagesimo ix. Jerl'm a Christianis capta est.

ANNO M°. centesimo. Willelmus Ruffus occiditur, successit Henricus frater ejus, et vixit xxx^{a}v. annis.
Anno M°. centesimo i. Robertus comes Normannie venit in Angliam. Ob. Godefredus rex Jerl'm, subiit Baldewinus.
Anno M°. cij.

Anno

Anno M°. ciij. Sanguis de terra manavit apud Hameste.
Anno M°. ciiij.
Anno M°. cv.
Anno M°. cvi. Anselmus episcopus rediit ab exilio.
Anno M°. cvij. Henricus adquisivit Normanniam post capcionem fratris. Due Lune vise sunt in Celo.
Anno M°. cviij. Ob. Philippus rex Francie, successit Lodowicus filius ejus.
Anno M°. cix. Ob. Anselmus archiepiscopus Cantuarie, successit Radulphus episcopus Roucestrie.

ANNO M°. centesimo x.
Anno M°. cxi. Pascasius papa capitur Rome a Henrico imperatore.
Anno M°. cxij.
Anno M°. cxiij. Wyncestria comburitur, multis monachis combustis.
Anno M°. cxiiij. Tamesia siccatur ex toto. Commeta apparuit.
Anno M°. cxv. Dissensio inter regem Francie Lodowicum, et Henricum regem Anglie.
Anno M°. cxvi.
Anno M°. cxvij. Luna apparuit tota sanguinea in nocte.
Anno M°. cxviij. Ob. Matilda regina ij. Kal. Maii. Ob. papa Pascasius, subiit Gelasius. Ob. Baldewinus rex Jerl'm.
Anno M°. cxix. Ob. Galasius papa, successit Calixtus. Bellum inter regem Francie et regem Anglie. Terremotus iiij. Kal. Octobris.

ANNO M°. cxx. Willelmus filius regis submersus est in mari. Ordo Premostratensis confirmatur.
Anno M°. cxxi. Henricus rex desponsavit Adelinam filiam Godeline. Celestinus primas archiepiscopatum Dubl' accepit.
Anno M°. cxxij. Willelmus de Curbul fit archiepiscopus Cantuarie. Ob. Samuel archiepiscopus Dubl'.
Anno M°. cxxiij. Ob. Radulphus archiepiscopus iiij. Kal. Januarii.
Anno M°. cxxiiij. Ob. Alexander rex Scocie, successit David. Ob. Robertus Bluet episcopus Lincolnie.
Anno M°. cxxv. Fames magna in Anglia. Ob. Kalixtus, successit Rom' et eodem anno Honorius.

Anno

Anno M°. cxxvi.

Anno M°. cxxvij. Barones Anglie juraverunt filio regis. Sanguis de fonte emanavit pluribus diebus.

Anno M°. cxxviij. Ob. Willelmus comes Flandrie.

Anno M°. cxxix. Ob. Willelmus Giffard episcopus Wincestrie.

ANNO M°. cxxx. Ob. papa Honorius, successit Innocencius.

Anno M°. cxxxi.

Anno M°. cxxxij.

Anno M°. cxxxiij. Eclipsis solis. Terremotus in Anglia iiij. nonas Augusti. Henricus filius imperatricis nascitur.

Anno M°. cxxxiiij. Malachias fit archiepiscopus Ardmach'.

Anno M°. cxxxv. Henricus rex Anglie primus ob., subiit Stephanus. Combusta est ecclesia Pauli London'.

Anno M°. cxxxvi. Ob. Willelmus archiepiscopus Cantuarie. Eclipsis solis et Lune.

Anno M°. cxxxvij. Ob. Lodowicus rex Francie, successit Lodowicus filius ejus. Bellum inter Anglicos et Scottos apud Childerhou.

Anno M°. cxxxviij. Theobaldus fit archiepiscopus Cantuarie. Bellum inter David Scottie'. et archiepiscopum Ebor'. et victus est Rex David.

Anno M°. cxxxix. Imperatrix venit in Angliam.

ANNO M°. cxl. Eclipsis solis [lune ?] a media nocte usque ad auroram.

Anno M°. cxli. Combusta est ecclesia Lincoln'. Stephanus rex capitur in bello apud Lincoln', in purificacione.

Anno M°. cxlij. Capcio comitis apud Gloucestriam. Abacia Melifont'. construitur.

Anno M°. cxliij. Ob. Innocencius papa secundus, subiit Celestinus.

Anno M°. cxliiij. Ob. Celestinus, subiit Lucius. Puer Willelmus crucifixus est apud Norwicum.

Anno M°. cxlv. Ob. Lucius papa, subiit Eugenius. Cometa apparuit.

Anno M°. cxlvi.

Anno M°. cxlvij. Ob. Alexander Lincolnie episcopus. Rex Francie profectus est Ierl'm.

Anno M°. cxlviij. Ob. beatus Malachias apud Clarevall'.

Anno M°. cxlix. Robertus de Chency fit episcopus Lincolnie.

ANNO

ANNO M°. cl.
Anno M°. cli. Gafredus Ob. depositus de insula mere.
Anno M°. clii. Rex Stephanus et Matilda regina tercia obierunt. Cristianus mittitur legatus in Hiberniam, qui archiepiscopatus constituit, s. [scilicet?] Ardmachan'. Dublini', Cassellens'. Conahtens'. Ascalon capitur.
Anno M°. cliij. Beatus Bernardus ob. Papa Eugenius ob. David rex Scocie obiit.
Anno M°. cliiij. Ob. Rex Stephanus, subiit Henricus dux Normannie. Eugenius papa ob., subiit Anastasius.
Anno M°. clv. Coronacio regis Henrici London'. Adrianus creatus est in papam.
Anno M°. clvi.
Anno M°. clvij. Henricus duxit exercitum in Walliam.
Anno M°. clviij. Coronatur rex Henricus apud Lincolniem. Galfridus frater ejus obiit.
Anno M°. clix. Anastasius papa ob., subiit Alexander. Ob. Willelmus comes Bolonie.

ANNO M°. clx.
Anno M°. clxi. Ob. Theobaldus archiepiscopus Cantuarie.
Anno M°. clxij. Thomas cancellarius fit archiepiscopus Cantuarie. Ob. Gregorius archiepiscopus Dubl', successit Laurencius.
Anno M°. clxiij. Irascitur rex contra Thomam archiepiscopum. Alexander papa celebravit consilium apud Thuron'.
Anno M°. clxiiij. Thomas archiepiscopus exulatur.
Anno M°. clxv.
Anno M°. clxvi.
Anno M°. clxvij. Robertus de Cheney ob. Almaricus rex cepit Babilonem. Ob. Matilda imperatrix.
Anno M°. clxviij. Ob. Donatus Urgalie, fundator Mellifontis.
Anno M°. clxix.

ANNO M°. clxx. Coronacio regis Henrici junioris. Godricus Heremita ob.
Anno M°. clxxi. Passio Sancti Thome archiepiscopi Cantuarie. Anglici ceperunt Hiberniam.

Anno M°. clxxij. Coronacio Philippi filii Lodowici Francie.

Anno M°. clxxiij. Dissencio inter regem Francie et Anglie, et inter regem Curt Mauntel et Henricum filium ejus.

Anno M°. clxxiiij. Capcio Willelmi regis Scocie. Consecratio quatuor episcoporum.

Anno M°. clxxv. Consilium London' iiij. Kal. Junii.

Anno M°. clxxvi. Hugo Cardinalis venit in Angliam.

Anno M°. clxxvij. Concordia inter papam et imperatorem. Vivianus mittitur legatus in Hiberniam a papa Alexandro. Johannes de Cursi acquisivit Ultoniam.

Anno M°. clxxviij. Eclipsis solis in exaltacione sancte crucis. Ob. archiepiscopus Ardmachenensis.

Anno M°. clxxix. Peregrinacio regis Henrici ad sanctum Thomam.

ANNO M°. clxxx. Ob. Lodowicus rex Francie.

Anno M°. clxxxi. Ob. Alexander papa. Ob. Rogerus archiepiscopus Eborum subiit Lucius tercius.

Anno M°. clxxxij. Ob. Henricus primus rex Anglie. Ob. Ricardus archiepiscopus Cantuarie. Ob. Donatus archiepiscopus Cassellensis.

Anno M°. clxxxiij. Adventus Patriarche in Angliam. Ordo Templariorum et Hospitaliorum confirmatur.

Anno M°. clxxxiiij. Terremotus in Anglia. Eclipsis solis.

Anno M°. clxxxv. Consecratio Hugonis episcopi Lincoln'. Eclipsis Lune. Johannes filius regis intravit Hiberniam et revertitur.

Anno M°. clxxxvi. Capta est Jerl'm a Sadalino. Eclipsis solis. Ordo Cartusiensis confirmatur. Hugo de Lacy occiditur.

Anno M°. clxxxvij. Combustio ecclesie Berverlacy. Jerl'm cum cruce domini capitur a Saracenis.

Anno M°. clxxxviij. Ob. secundus Henricus rex, subiit Ricardus filius ejus.

Anno M°. clxxxix. Ricardus rex Anglie et Philippus rex Francie, perexerunt apud Jerl'm.

ANNO M°. c. nonagesimo. Transierunt reges mare Grecum. Ob. Baldwinus archiepiscopus. Rex Philippus rediit.

Anno M°. exci. Hubertus episcopus Salisbirie, fit archiepiscopus Cantuarie.

Anno

Anno M°. excij. Jacitur fundamentum ecclesie Lincolnie.
Anno M°. exciij. Rediit Rex Ricardus et capitur in Austria.
Anno M°. exciiij.
Anno M°. excv.
Anno M°. excvi.
Anno M°. excvij. Ob. Rex Ricardus, subiit Johannes frater ejus.
Anno M°. excviij.
Anno M°. excix. Ob. Hugo Episcopus Lincolnie. Galfridus archidiaconus rediit ab exilio.

ANNO M°. ducentesimo. Cathel Croffther ejicitur de Conactia.
Anno M°. cci. Ob. Thomas primas Ardmach'.
Anno M°. ccij.
Anno M°. cciij.
Anno M°. cciiij. Johannes de Cursi capitur a Hugone de Lacy.
Anno M°. ccv.
Anno M°. ccvi.
Anno M°. ccvij.
Anno M°. ccviij. Anglia generaliter interdicitur octavis Kal. Aprilis. Willelmus de Breaus ejicitur de Anglia et venit in Hiberniam. Strages facta apud Thorlis.
Anno M°. ccix.

ANNO M°. ccx.
Anno M°. ccxi. Johannes Rex venit in Hiberniam, Hugonem de Lacy de terra ejecit, cum filiis suis. Ricardus de Tuyt obrutus a turre apud Adlon.
Anno M°. ccxij. Ob. Galfridus archiepiscopus Eborum. Eclipsis lune. Ob. Johannes archiepiscopus Dubl'. Castrum apud Clonmagnoys firmatur.
Anno M°. ccxiij. Ob. Willelmus Parvus.
Anno M°. ccxiiij. Generale interdictum Anglie relaxatur. Willelmus rex Scottorum ob.
Anno M°. ccxv. Guerra inter Johannem Regem et Barones. Generale consilium Rome celebratur ab Innocencio tercio. Ordo Minorum confirmatur.
Anno M°. ccxvi. Ob. Johannes Rex Anglie, subiit Henricus filius ejus. Loudovicus filius regis Francie, venit in Angliam. Ob. papa Innocencius, successit Honorius tercius. Ordo Predicatorum confirmatur.

Anno M°. ccxvij. Strages magna Baronum apud Lincoln'. Henricus eligitur in archiepiscopum Dubl'. Legatus Hibernie celebravit consilium Dubl'.

Anno M°. ccxviij. Pandelfus cardinalis venit in Angliam.

Anno M°. ccxix. Ob. Willelmus Maresscallus senior. Dameta capitur.

ANNO M°. ccxx. Henricus rex tertius coronatus est apud Lond'. Translacio beate Thome Cant'. Fundatio ecclesie de Salisbir'. Lucas de Netervile venit primas Hibernie.

Anno M°. ccxxi. Ob. beatus Dominicus. Dameta redditur Saracenis et crux sancta Christianis. Magister Jacobus mittitur legatus Hibern'.

Anno M°. ccxxij.

Anno M°. ccxxiij. Ob. Albinus episcopus Fernensis.

Anno M°. ccxxiiij. Castrum de Bedeford obcessum est, et castrum de Trum. Predicatores intraverunt Hibern'. Ob. Simon episcopus Midensis.

Anno M°. ccxxv. Ob. Honorius papa, subiit Gregorius nonus. Ob. Rogerus Pipard.

Anno M°. ccxxvi. Ob. beatus Franciscus. Lodowicus junior coronatur. Ob. Deodatus electus Midie.

Anno M°. ccxxvij. Radulphus Parvus fit episcopus Midie. Ob. Lucas archiepiscopus Ardmach'.

Anno M°. ccxxviij. Ob. Stephanus archiepiscopus Cantuarie, subiit magister Ricardus cantor Lincolnie. Civitas Jerl'm redditur Christianis. Ob. Willelmus Pippard. Ob. Henricus archiepiscopus Dubl'.

Anno M°. ccxxix. Donatus fit archiepiscopus Ardmach'.

ANNO M°. ccxxx. Ob. Radulphus episcopus Midie. Lucas Dublini' consecratur. Henricus rex init Britanniam minorem post pascam.

Anno M°. ccxxxi. Ob. Willelmus Marescallus junior.

Anno M°. ccxxxij. Ob. Radulphus episcopus Darensis, subiit Johannes. Ricardus de la Corner fit episcopus Midie.

Anno M°. ccxxxiij. Translacio Sancti Dominici.

Anno M°. ccxxxiiij. Eadmundus fit archiepiscopus Cantuarie. Ob. Ricardus Marescallus apud Kildar'.

Anno M°. ccxxxv.

Anno M°. ccxxxvi.

Anno M°. ccxxxvij. Otto venit legatus in Angliam.

Anno

Anno M°. ccxxxviij.

Anno M°. ccxxxix. Nascitur dominus Edwardus filius regis Anglie.

ANNO M°. ccxl. Comes Cornubie adivit terram sanctam. Ob. Eadmundus archiepiscopus Cantuarie.

Anno M°. ccxli. Ob. papa Gregorius nonus, subiit Alexander, vacavit ecclesia Rome per biennium. Ob. comes Gilbertus Marescall. Ob. Walterus de Lacy.

Anno M°. ccxlij. Albertus Ardmach' venit in Hiberniam. Henricus rex intravit Wascon' post pascam.

Anno M°. ccxliij. Ob. Hugo de Lacy comes Ultonie. Innocencius papa quartus consecratur. Ob. Geraldus filius Mauricii. Ob. Ricardus de Burgo.

Anno M°. ccxliiij. Innocencius papa quartus venit Lugdunum. Henricus rex duxit exercitum versus Scociam contra regem Alexandrum. Templarii et Hospitelarii occisi sunt. Jerl' vastatur omnino.

Anno M°. ccxlv. Consilium generale Lugdun' a papa Innocencio in quo dampnatur Fredericus imperator. Henricus duxit exercitum in Walliam. Walterus Marescallas et Anselmus frater ejus obierunt.

Anno M°. ccxlvi. Ob. David princeps Wallie. Natus est frater Stephanus de Exonia.

Anno M°. ccxlvij. Terremotus per totum occidentem x. Kal. Marci, in vigil' sancte Lucie. Eclipsis Lune.

Anno M°. ccxlviij. Lodowicus rex Francie adivit terram sanctam. Raynerus Ardmach' venit in Hiberniam.

Anno M°. ccxlix. Dameta capitur a Lodowico rege Francie.

ANNO M°. ccl. Ob. Frethericus. Lodowicus capitur a Saracenis.

Anno M°. ccli.

Anno M°. cclij. Martirizatur beatus Petrus predicator. Ob. David archiepiscopus Cassellensis, subiit David. Ob. Alanus Lismorensis, subiit Thomas.

Anno M°. ccliij. Henricus rex adivit Wascon'. Ob. sanctus Robertus Grostete episcopus Lincoln'. Comes Glovernie venit in Hiberniam.

Anno M°. ccliiij. Ob. Innocencius quartus, successit Alexander quartus. Dedicacio ecclesie Sancti Patricii Dubl'.

Anno M°. cclv. Ob. Lucas Dubl' archiepiscopus, in die sancte Lucie virginis.

Anno M°. cclvi. Fulco de Samford fit archiepiscopus Dubl'.

Anno

Anno M°. cclvij. Ob. Mauricius filius Geraldi.

Anno M°. cclviij. Quatuor fratres regis Anglie exulantur et alii Pictavi. Mense augusti rex Almannie rediit in Angliam. Ob. Reynerus primas.

Anno M°. cclix. Stephanus de longa spata venit justiciarius Hibernie. Interfectus est O Nel, in die sancti . . . . . Wiride castrum prosternitur. Willelmus de Denne fit justiciarius. Abraham primas ob.

ANNO M°. cclx.

Anno M°. cclxi. Ob. Alexander quartus, subiit Urbanus tercius. Johannes filius Thome interfectus est, et Mauricius filius ejus, Walterus de Ridelesford, Thomas de Recheford. Item Finin Maccarthi occiditur apud Rinron. Ob. Willelmus de Dene justiciarius, successit Ricardus de Rupella. Frater Patricius fit Primas. Ob. Johannes de Exonia in die animarum.

Anno M°. cclxij. Ob. Domina Eva de Exonia, prima uxor domini Ricardi de Exonia, ob. in die annunciacionis. Item ob. Ricardus de Clare comes Glovernie.

Anno M°. cclxiij. Barones Anglie ejecerunt alienigenas. Item indutus est frater Stephanus de Exonia in die annunciacionis post diem martis.

Anno M°. cclxiiij. Bellum commissum est apud Lewys ubi captus erat rex cum multis. Ob. Domina Mabilia, secunda uxor domini Ricardi de Exonia. Item ob. Waleranus. Item ob. papa Urbanus et subiit Clemens quartus. Item Guerra mota est inter dominum W. de Burgo et Geraldinos. Item magnates capti sunt apud Desertum in die Sancti Nicholai.

Anno M°. cclxv. Karolus comes Provincie vocatur a Clemente papa ad regnum Cecilie. Secunda die marcii commissum est bellum inter ipsum et Manfredum in Apulia, et interfectus est Manfredus. Item commissum est bellum apud Evisham. Item Ottobonus venit legatus in Angliam. Commissum est bellum apud Evisham in crastino invencionis Sancti Stephani.

Anno M°. cclxvi. Castrum de Kenilwurthe obcessum est et redditum regi. Comes de Ferers captus est apud Chesterfeld. Ob. Margareta comitissa Lincolnie. Item frater G. de Slane fit minister. Eclipsis Lune die Sancte Lucie virginis.

Anno M°. cclxvij. Rolandus decanus Cassellensis capitur a regalibus. Dominus Ricardus de Exonia adivit regem pro regalibus, contra Cassellensem.

Anno M°. cclxviij. Koncowir O Bren et Johannes filius ejus interfecti sunt a Dermicio Macmurierdi. Thomas episcopus Lismorensis captus est a Matheo

le

le Poer. Item Mauricius filius Geraldi submersus est inter Walliam et Hiberniam. Robertus de Hufford venit justiciarius Hibernie et eodem anno edificavit castrum de Roscoman. Item fratres Saccini intraverunt Hiberniam. Item Macohelan interfectus est. Item mortuus est frater Nicholaus de Cusac.

Anno M°. celxix. Facta est pax inter comitem W. de Burgo et Geraldinos. Locus captus est apud Roscoman Interfectus est Maccarthan. David archiepiscopus Cassellensis indutus est habitu monachali. Item dominus Ricardus de Exonia duxit dominam Ysemain filiam domini David de Prendergarst. Item ob. Ricardus archidiaconus Midie, successit magister Johannes de Dubiltun. Item locus captus est apud Clonmele. Item ob. Patricius primas, successit magister Nicholaus, tum ecclesia vacavit per duos annos. Item dominus Nicholas de Verdun et dominus J. frater ejus facti sunt milites. Ob. Clemens papa, et cessavit episcopatus tribus annis et *pontificum sedes* 3 *annos vacat*.

ANNO M°. cc. septuagentesimo. Ob. Thomas episcopus Lysmorum, subiit magister Johannes de Rupe. Item dominus Hugo Purcel duxit Johannam filiam domini Nicholai Dunhevid. Item Dominus R. de Ufford reversus est in Angliam, et Dominus Ricardus de Exonia gessit vices justiciarii Hibernie. Omnes Hibernici guerraverunt. Item strages Anglicorum in Conactia, in qua dominus W. filius Leonis et alii corruerunt in die sancti Pantaleonis. Item dominus James de Audele venit justiciarius Hibernie. Item ob. J. de Cogan junior. Item Herveis Dunhevid interfectus est. Item frater Johannes Tancard creatus est minister. Item domus fratrum et villa de Roscoman combusta est. Item Ysemayn uxor domini R. de Exonia peperit masculum, Johannem nomine, in die sancti. Item Lodowicus rex Francie, et Dominus Edwardus filius regis Anglie adiverunt terram sanctam, et mortuus est rex Francie. Item Dominus Henricus de Alemania interfectus est apud Viterbium a Guidone de Monte forti.

ANNO M°. celxxi. Caristia magna in Hibernia, et maxima multitudo hominum pre fame mortua est. Ob. Fulco Archiepiscopus Dublinie ante pentecosten. Item Philippus rex Francie coronatur. Item dominus Nicholaus de Verdun, et Dominus J. frater ejus cum multis aliis interfecti sunt in die Sancti Leonis pape. Item ob. dominus W. de Burgo comes Ultonie et dominus Conactie protidolor [*sic*] v. Kal. Augusti in die sanctorum Nazarii et Celsi.

Item

Item ob. dominus Remundus de Burgo. Item castrum de Adlehe prostratum est ante annunciacionem, et Castrum de Roscoman in die . . . . . , et Castrum de Sligaht.

Anno M°. cclxxij. Dominus James de Audele justiciarius Hibernie fregit collum suum in vigiliis beati Johannis baptiste, cui successit dominus Mauricius filius Mauricii. Castrum de Rendun prosternitur in die exaltacionis sancte crucis. Item ob. dominus Henricus rex Anglie [in die] sancti Edmundi confessoris. Item frater Johannes Tancard justiciarius Hibernie veniendo de capitulo generali, circa advincula Petri. Item ob. frater Eustachius de Prendergast in die sancti Evaristi pape et martyris. Item ob. Petrus le Petyt v. nonas marcii. Item frater Thomas de Suynisfeld factus est justiciarius Hibernie, et venit ad Hiberniam post festum beati Francisci.

Anno M°. cclxxiij. O. Rex Conactie dolo cepit O Flyn, id est, "roht nephe" quem excecavit circa pasca. Item interfectus est Makemahon circa festum beati Johannis. Item dominus Galfridus de Genevile venit usque Hiberniam, de terra sancta, parum ante festum beati Francisci, et factus est justiciarius Hibernie, post octavas beati Francisci. Item dominus Mauricius filius Mauricii et dominus Teobaldus pincerna intraverunt Totomomam et depredaverunt eam. Item ob. dominus . . . . . episcopus Limericensis cui successit magister Geraldus le Marechal. *Item visitatores fratrum in Hibernia scilicet frater Simon et frater Magus cum multis nobilibus submersi sunt juxta sanctum David in die* . . . . . Item dominus G. de Genevile et ceteri nobiles de Hibernia inerunt usque Glendelori circa carniprivium. Item ob. magister Reginaldus episcopus Clonensis.

Anno M°. cclxxiiij. Ob. Odo Rex Conactie, circa viii. idus Maii, cui successit in regno Hohy nepos ejus, qui erat interfectus circa festum beati Dominici, cui successit ejus nepos, qui occubuit gladiis statim post. Item ob. Domina Anolyna commitissa Ultonie circa pentecost' in die . . . .

NOTES.

A. D. 124.

Sixtus.—The MS. (No. 4789) in the British Museum reads Alexander; but the original is certainly correct, for St. Sixtus was pope from 116 to 126.—See Pagi, *Breviarium*, tom. i. p. 22.

423.

Palladius mittitur ad Scottos.—In the Annals of Ulster, 431 is the date assigned to the mission of Palladius.

439.

Beata Brigida nascitur.—"She was born at Fochard (Faugher), in the county of Louth, about the *middle* of the fifth century."—*Ware's Writers of Ireland, Harris's Ed.* p. 11.

877.

Bollo.—This name is usually written Rollo: "His ita sedatis, Dani cum suo duce Rollone vela ventis librant, Scaldi alveum deserentes, atque permenso ponto, octingentesimo septuagesimo sexto ab incarnatione Domini anno, Sequanica penetrantes ora, flante ad votum vento, Gemmeticum veniunt."—*Wilhel: Gemiticensis de Ducibus Normannis, cap.* ix., *Camdeni Anglica, &c., Francoforti*, 1603.

1087.

Waterford combaritur.—A. D. 1088, in the Annals of Ulster.

1121.

Celestinus primas archiepiscopatum.—Celestinus or Celsus, as he is sometimes called, and in the Irish authorities *Cellach*, was consecrated archbishop of Armagh in 1106

(Annals of Ulster, 1105), and is said to have been appointed bishop of Dublin in 1121. —See Ware's Bishops, p. 51, and the Annals of Ulster and of the Four Masters, in an. 1121. Grace, in his Annals (1174), says that Gelasius, first archbishop of Armagh, "first used the pall, for those before him were called by the name of bishop only, and primate, in honour of St. Patrick, as it were his apostles."

1122.

Samuel archiepiscopus Dubl'.—Samuel O'Haingly, the last bishop of Dublin, according to Ware, who states that the archiepiscopal dignity was first conferred on this see in 1152.—*Bishops*, p. 311. See also Grace, A. D. 1152.

Ware, quoting the Book of Obits of Christ Church, says, Samuel died in 1121; and his editor, Harris, quoting the Annals of Multifernan, fixes his death in 1123.

The entry in the Book of Obits is without the date of the year, as follows: "1111 Non. Jul. Ob. Samuel episcopus quartus Dublin;" and Grace (1121) mentions his death in nearly the same words.

The Annals of Ulster and Four Masters give his death in 1121.

There were several bishops of Dublin before Samuel, but he was the *fourth* of the race of Ostmen; Donat or Dunan was the first, and occupied the see from 1038 to 1074.—*Ware*, p. 306.

1142.

Abacia Melifont'.—Mellifont Abbey, in the county of Louth.

1152.

Rex Stephanus ct.—In the MS. these words are expunged, or underdotted.

Ibid.

Cristianus mittitur legatus.—Grace, in his Annals, states, that Christian, bishop of Lismore, legate of all Ireland, came into this country in 1148. Ware says he was constituted pope's legate about 1150.—See also *Lanigan's Ecclesiastical History*, vol. iv. p. 139, &c.

1162.

Gregorius.—Ware says he died in 1161. Grace and the Four Masters agree with these Annals.

1168.

Donatus Urgalie.—Donat, or Donough M'Corvoill, or Carroll, king of Uriel, and founder of the Abbey of Mellifont.—See Ussher's letter in *Epistolæ Camdeni*, p. 83, and *Usserii Sylloge*, p. 149, Edit. 1632; also the Four Masters, in an. 1168.

1171.

1171.

Anglici ceperunt Hiberniam.—The conquest of Ireland is by most writers dated from the 18th of October, 1172, the day on which king Henry II. landed at Waterford. The Four Masters agree with these Annals; and Giraldus Cambrensis states that the conquest took place in the 17th regnal year of Henry (1171), but adds, "ab incarnatione vero 1172."—*Topogr. Hibern. Tert. Dist.* ch. xlvi.

1178.

Archiepiscopus.—Ware does not mention the death of any primate in this year. Gilbert O'Caran is stated by him to have occupied the see of Armagh from 1175 to 1180; and he is supported by the authority of the Annals of Ulster.

1200.

Cathel Crofther.—Cathal, or Charles, the Red-handed, son of Torlogh More O'Conor, and king of Connaught, according to Grace's Annals, was expelled in 1199, and restored to his kingdom in 1202.—See also Annals of Ulster, 1199 and 1201. He died in the monastery of Knockmoy v. Kal. June, 1224.—*Annals of Ulster.*

1204.

Johannes de Cursi.—See Grace, sub anno 1204.

1208.

Willelmus de Breaus.—In the year 1200, William de Braosa received a grant of Limerick from king John (*Rymer's Fœdera*, vol. i. p. 83, Edit. 1816), and was outlawed by the king in 1212. The whole of the very curious state paper, in which John justifies his conduct, is given in Rymer, vol. i. p. 107. Stowe, in his Chronicle, gives the reason of Braosa's banishment from England in 1208: "King John requiring to have the sonnes of William de Brause, his wife made answere, shee would not deliver them unto him, who had already slaine his owne nephew Arthur; for which speech, both William de Brause and his wife were faine to flie into Ireland."

Ibid.

Thorlis.—Thurles, in the county of Tipperary.

1211.

Johannes.—Grace and the Annals of Ulster correctly mention the coming of John into Ireland in 1210. The Four Masters say 1209; Ware 1211.

1211.

Hugonem de Lacy.—Hugh de Lacy was for some time sheltered at St. Andrew's in Scotland.—*Fordani Scotichronicon*, Lib. viij. cap. 74. He afterwards went, "ad partes transmarinas;" and it gives some countenance to the romantic story of the Irish annalists (see Grace, p. 25) to find him, on his return to Ireland, granting to the priory of St. Andrew's the churches of Ruskach and Karlingford, with all the churches and chapels of the whole of Coling.—See *Registrum Prioratus S. Andree*, p. 118.

Ibid.

Adlon.—Athlone.

1212.

Willelmus Parvus.—William Petit, baron of Dunboyne, probably the Guliehmus Modicus of Giraldus Cambrensis.—*Hib. Expugn. Lib. Secund.* ch. 34.

1217.

Henricus.—Henry de Loundres. Ware fixes his succession in 1213; and Grace, in 1212.

Ibid.

Legatus.—Henry de Loundres was appointed legate of Ireland in 1217 by Honorius the Third.—*Ware's Bishops*, p. 318. The council which he held at Dublin is not mentioned in Sir H. Nicolas's Chronology of History, Edit. 1833.

1219.

Willelmus Maresscallus.—William Marshall.—See Grace, sub anno.

1221.

Magister Jacobus.—The Editor has not discovered the name of this legate, or notice of his mission to Ireland, in any other Irish historian whom he has consulted. The authority of these Annals is supported by the following passage in Fordun: "Anno Dom. 1221, Magister Jacobus canonicus S. Victoris Parissiis Apost. sedis pœnitentialis Scotiæ et Hiberniæ legatus convocatis totius regni prælatis apud Perth tenuit generale concilium quatuor continuis diebus."—*Chronicon Scotticum*, lib. ix. c. 37, vol. ii. p. 46, Goodall's Edition.

In Sir H. Nicolas's Chronology of History, this council is mentioned under the date 1201.

1224.

Castrum de Trum.—Trim.

1226.

1226.

Deodatus electus Midie.—Harris, in his edition of Ware's Bishops, p. 142, says, "it is certain some of our Annals call him *bishop* absolutely," and quotes the Annals of Multifernan as his authority.

1227.

Radulphus Parvus.—Ralph le Petit.

1229.

Donatus.—Ware says he was translated to Armagh in 1227.

1241.

Comes Gilbertus.—Gilbert, third son of William Marshall, the elder.—See Grace, sub anno 1219. The date of his death is supplied by these Annals.

1242.

Albertus.—Harris says he came to Ireland in 1241.—*Ware's Bishops*, p. 65. The Annals of Ulster agree with these Annals.

1245.

Walterus, &c.—Walter and Anselm, the second and fourth sons of William Marshall.—See Grace, sub anno 1219. This entry completes the obits of the five sons of William Marshall, all of whom died without issue. Grace mentions the death of William, the eldest son, in 1231; and Richard, the youngest, in 1234. Their obits are also recorded in these Annals.

1248.

Raynerus.—Reinar, or Reginald, returned from Rome to Armagh, after his consecration, in June, 1247.—*Ware*, p. 66. See Annals of Ulster, in anno.

1253.

Comes Glocernie.—Richard Clare, Earl of Gloucester, whose death is mentioned in the year 1262.

1255.

Lucas.—He died on the 12th of December, as appears from the Book of Obits of Christ Church: "11. Id. [Decembris] ob. pie memorie Lucas archiepiscopus Dublin." The festival of St. Lucy is celebrated on the 13th of December.

1258.

Reynerus.—Ware says he died at Rome in 1256, and that his successor obtained the royal

royal assent to his election in 1257.—*Bishops*, p. 66. The Annals of Ulster give the death of Reiner in 1256, and the arrival of the *pallium* for his successor in 1258.

1259.

O Nel.—Brien O'Neill, prince of Ulster, who was slain, with many other chiefs, at the battle of Downpatrick, in 1260.—*Hardiman's Statute of Kilkenny*, p. 10, *n.* f., and *Annals of Ulster*, in anno 1260.

1259.

Wiride Castrum.—Green Castle, in the county of Down.

Ibid.

Willelmus de Denne.—According to Ware and Grace, he was appointed justiciary in 1260.

Ibid.

Abraham.—Ware fixes his death on the 21st December, 1260.

1261.

Johannes, &c.—Hanmer, in his Chronicle, 1260, says, John Fitz Thomas and his son Maurice were slain by the Mac Carthys at Callan.—See *Annals of Ulster*, an. 1261. Grace rightly places the scene of action in Desmond, but does not state where the battle was fought; nor does he mention the names of Ridelesford or Recheford. For grants made to Walter de Ridelesford, see Rot. Canc. Hiber. Calend. p. 4, Nos. 52, 53.

Callan, the scene of this battle, is occasionally confounded with Callan, in the county of Kilkenny, as in Lewis's Topographical Dictionary of Ireland, Art. CALLAN, where this battle is said to have been fought in 1461. In the same work, Art. KILGARVAN, this battle is correctly stated to have taken place at Callan, near Kenmare, in the parish of Kilgarvan, county of Kerry.

The very spot where the battle was fought is still pointed out by the peasantry; and, among other objects, they shew the flat rock on which Fitzgerald was slain and beheaded by Finghin or Florence M'Carthy, of Ringrone.

In the obits given at the end of Grace's Annals (p. 164), the date of this defeat of the Geraldines is erroneously stated to have been M. cc. lxx.

Ibid.

Rinron.—Ringrone, near Kinsale, in the county of Cork.

Ibid.

Ricardus de Rupella.—He was taken prisoner at Castledermot the 6th December, 1264,

1264, by Maurice FitzGerald.—See Grace, anno 1264, and succeeding note. On the 6th May, 1265, Roger Walpaill [Waspaill, of Westpalstown, county of Dublin ?] was appointed "justiciarius Hiberniæ loco Ricardi de Rokell [Rupella] quousque idem Ricardus redierit."—*Rot. Pat.* 49 *Henr. iij. m.* 17, *n.* 66, *in Turr. Lond.* Roger Walpaill's name does not appear in any of the published lists of the chief governors of Ireland.

1264.

Magnates capti sunt.—The Burkes and Geraldines quarrelled about some lands in Connaught. The "Magnates" who were seized by the Geraldines, at Castledermot, on the 6th December, were the Lord Justice Richard de Rupella, Richard Burke, afterwards called the Red Earl of Ulster, Theobald Butler, Miles Cogan, &c.—*Cox*, p. 70. See Literæ Regis—de discordiis pacificatis inter Walterum de Burgo et Mauritium filium Geroldi, *Rot. Pat.* 49 *Henr. iij. m.* 13, *n.* 50, *in Turr. Lond.*, and Lynch's Feudal Dignities, p. 115.

1268.

Koneowir O'Bren.—Conor O'Brien, of Thomond.

Ibid.

Mauricius filius Geraldi.—Not Maurice of Desmond, as the Annals say, but the son of Maurice, who was Lord Justice in 1272.—*Cox*, p. 70.

Ibid.

Saccini.—"Ita appellati monachi quidam, quod Saccis pro veste uterentur."—*Du Cange, sub voce* SACCI.

1269.

Locus captus est.—The Editor is unable to explain these words.

Ibid.

David.—David M'Carwill. Ware, quoting these Annals, says this prelate took on him the habit of a *Cistercian* monk.—*Bishops*, p. 475.

Ibid.

Ecclesia vacavit per duos annos.—This circumstance is not noticed by Ware.

1270.

Hugo Purcel.—In 1308, certain lands were restored by the king to John, the son and heir of Hugh Purcel.—*Rot. Cl.* 2 *Edw.* 11. *Dorso*, 179.

1270

Nicholai Danherid.—See Rot. Cancell. Hibern. Calend. p. 4, No. 51.

Ibid.

Ricardus de Exonia.—Hanmer says, "Anno 1269, Richard de Excester was made Lord Justice, who dyed the same yeare, together with his wife Margery de Say." Ware follows Hanmer, but these Annals mention the marriage of Richard of Exeter, to Ysemain, daughter of David de Prendergarst, in 1269, and the birth of their son John in the following year.

Ibid.

Die Sancti Pantaleonis.—July 27th. See *Martyrol. Rom.* in die.

1271.

Nicholaus de Verdun.—Hanmer (An. 1270) says that the king of Connaught defeated Walter Burke, Earl of Ulster, and slew a great number of knights, especially Lord *Richard* Verdon, and Lord John Verdon. The date of this battle (April 19) is supplied by these Annals, as is also the date (July 28) of the death of Walter Burke, Earl of Ulster, and lord of Connaught.

Ibid.

Prothdolor.—Proh dolor.

Ibid.

Nazarii.—The MS. in the British Museum reads "Macarii." The name of Celsus being coupled with Nazarius shows that these Annals are correct.

Ibid.

Castrum de Adlehe.—Athleague, about four miles from Roscommon. Hanmer (Anno 1272) says, "The Irish rased and destroyed the castles of Aldleeke, Roscommon, Scheligath [Sligo], and Randon." These Annals say the castle of Roscommon was built by Robert De Ufford in 1268; the Annals of Ulster, in 1267.

1272.

James de Audele.—Cox mentions his death in 1270.—See 1270 in these Annals.

Ibid.

Rendun.—Randown, anciently Teach-con-Rinduin, in the parish of St. John's, or Ivernoon, county of Roscommon. The castle occupied a rocky eminence, rising abruptly from Lough Ree; some of the ruins still exist. In 1307, John Wogan was keeper of the castle of Randon.—*Rot. Cl.* 2. *Ed. ij.* 5. In 1315, December 7, Richard

fiz

fiz Richer was granted £10, for repairs of the castle of Randun.—*Rot. Cl.* 10 *Ed. ij.* 14. And in 1335, John de Fountayns was constable of the castle of Randoun, with an annual fee of £40.—*Rot. Cl.* 8 *Ed. iij.* 57.

1272.

Johannes Tancard justiciarius.—His name is not to be found in any of the published lists of the chief governors of Ireland. The MS. in the British Museum reads "minister," instead of "justiciarius." This alteration from the text of the original MS. is probably grounded on the entry under the year 1270: "Item frater Johannes Tancard creatus est minister."

Ibid.

Frater Thomas de Suynisfeld factus est justiciarius.—The MS. in the British Museum has also in this place "minister," instead of "justiciarius." Thomas de Suynisfeld does not appear in any of the lists of the chief governors of Ireland; nor is it easy to reconcile with other authorities the rapid succession of Lords Justices, as recorded in these Annals. Maurice Fitz Maurice succeeded James Audele, who broke his neck on the 23rd of June, 1272. In the same year, about the 1st of August, John Tancard, Lord Justice, died, and Thomas de Suynisfeld came to Ireland after the 4th of October. Henry III. died on the 16th of November, 1272; and Ware says that Maurice Fitz Maurice was continued in office, by commission, in the reign of Edward I., until Geoffry de Genevile (called Walter by Cox, p. 73) was appointed Lord Justice in October, 1273.—*Antiquities*, p. 103, Harris' Edit.

1273.

O Rex.—Odo, Aedh, or Hugh, whose death is mentioned, anno 1274.

Ibid.

"*Roht nephe.*"—This is evidently an Irish nick-name, which the annalist has rendered obscure, in his attempt to represent the Irish words. Mr. O'Donovan considers that the words should be ꝑoꞇ neiṁe, i. e. *venomous shot*, or *shot of venom*, a name that might have been well applied to many of the Irish chieftains; but, by *shot* must be understood the "cast of a javelin."

Ware, in his Annals, 1272, tells us that Maurice Fitz Maurice, Lord Justice of Ireland, was called "Rock fallath." Mr. O'Donovan is of opinion that the words should be bꝑoc ꝑallaċ, i. e. *dirty badger*.

Ibid.

Totomomam, i. e. Thomond.

1273.

Dominus . . . . .—Robert, who died 8th of September, 1272.—*Ware*, p. 506.

Ibid.

Visitatores.—See Du Cange, sub voce "Visitator."

Ibid.

Inerunt.—*Lege* iverunt.

Ibid.

Glendelori.—"Glendaloure, the strongest holde of the O'Tooles, in the county of Wicklow," mentioned in a letter from Lord Leonard Gray, Lord Justice, to Cromwell, 31st of June, 1539.—*State Papers*, vol. iii. p. 135. "Glandilore, a fastness in Pheagh Mac Hugh's country," county of Wicklow.—*Dymmok's Treatise of Ireland*, p. 26. See also Grace, anno 1274.

Carve [or Carew], in his "Annales Hiberniæ," places Glandelory in Ulster; his words are: "1308, Joannes Wagonus Hiberniæ Vice-Rex mense Julio cum suis copiis propè Glandelory, in Ultonia, profligatus fuit, ubi viri magnæ æstimationis, et authoritatis ceciderunt; è contra Hiberni Dolovanum, Tobyr, aliaque oppida, pagosque flammis consumpsere."—*Lyra*, *Edit. 2da.* p. 192. The context proves the mistake, for Dolovanum, or Dunlavan, and Tobyr, or Tubber, are both in the county of Dublin, adjoining the county of Wicklow.

Glendelori.—Glendalough, so celebrated for its monastic remains, and romantic beauty. The see of Glendalough was united to that of Dublin in 1214, from which time the city of Glendalough, memorable for its religious edifices, not only suffered by decay, but insensibly became a receptacle for outlaws and robbers.—*Archdall Monast.*, p. 765.

1274.

Anolyna.—Avelina, countess of Ulster, and widow of Walter de Burgo, whose death is mentioned anno 1271.—*Cox Hib. Ang.* p. 73.

F I N I S.

A STATUTE

OF THE

FORTIETH YEAR OF KING EDWARD III.,

ENACTED IN A PARLIAMENT HELD IN KILKENNY, A. D. 1367,

BEFORE

LIONEL DUKE OF CLARENCE,

LORD LIEUTENANT OF IRELAND.

NOW FIRST PRINTED

FROM A MANUSCRIPT IN THE LIBRARY OF HIS GRACE THE ARCHBISHOP OF CANTERBURY, LAMBETH;

WITH A TRANSLATION AND NOTES.

BY

JAMES HARDIMAN, M.R.I.A.

—— Vetustatis et veritatis vestigia.

DUBLIN:
FOR THE IRISH ARCHÆOLOGICAL SOCIETY.
MDCCCXLIII.

DUBLIN:
PRINTED AT THE UNIVERSITY PRESS,
BY M. H. GILL.

INTRODUCTION.

According to Mr. Gibbon, "the laws of a nation form the most instructive portion of its history[a]." But, in this respect, the history of Ireland presents a blank; for the laws of this "ancient nation," though sufficiently voluminous, do not form any portion of its published history. Although the Irish, "from the very beginning of time[b]," had been governed and regulated by the code celebrated under the name of the "Brehon law," yet the particulars of that code are as little known, at the present day, as if it had never existed[c]. Even the laws of the Anglo-Irish Parliaments of the Pale,

[a] Decline and Fall, ch. 44.

[b] Hume, A. D., 1172.

[c] The Brehon laws are known only by name. Their contents remain undisclosed, for the only attempts hitherto made to develope them, were those of Vallancey, in his "Collectanea," vol. i., and they are scarcely deserving of notice. The originals are scattered through various libraries and repositories in Ireland, England, and the Continent of Europe; but the greatest portion is supposed to be preserved in Trinity College, Dublin: and the heads of that establishment would confer a considerable benefit on the history and literature of Ireland, if they would procure those venerable fragments of its laws to be properly translated and published. A favourable opportunity now presents itself for doing so, in the person of our learned associate, Mr. O'Donovan; whose extensive knowledge of the ancient language, topography, and history of his native land, points him out as eminently qualified for that national work.

Pale, enacted since the arrival of the English in the twelfth century, are also almost wholly unknown. The few Acts passed previous to the seventeenth century, which appear in our Statute Book, bear but a very inadequate proportion to the number which still remain wrapt in the mouldering parchments on which they have been originally recorded[d]. It is not, therefore, boldness or presumption to say, that those writers who have hitherto treated of the affairs of Ireland, were in a state of positive, though not invincible, ignorance of the sources from which only they could have drawn "the most instructive portion" of their labours. Satisfied with describing the outward movements of the social machine, they neglected, or rather were unacquainted with the internal influence which caused and regulated those

Until the contents of the Brehon laws, and our native annals shall be published, the history of Ireland must remain imperfect.

[d] From an enumeration made by the writer, some years ago, of the Irish Acts of Parliament yet remaining on record, unprinted (for which see "Reports of the Commissioners on the Public Records of Ireland," fol., London, 1820, p. 353), Mr. Lynch, in his treatise on the Prescriptive Baronies of Ireland, fol., London, 1835, was enabled to show, that the Irish "Statute Rolls contained 1263 Statutes *never yet published*, while the printed Statutes contain only about 347 Acts." It must, however, be admitted, with Sir John Davies, that "we find in the Parliament rolls of that time, an extraordinary number of private bills and petitions answered and ordered in Parliament, containing such mean and ordinary matters, as, but for want of other business, were not fit to be handled in so high a court." Although the Ordinances of councils are here evidently confounded with the Statutes and proceedings of Parliament, yet all are equally important for the purposes of history; and while they remain, as they do at present, inaccessible to the historian, it will be vain to attempt, and folly to expect, any thing like an adequate civil history of this country. To view this in a clearer light, the reader is referred to the "General Account of the necessary Materials for a History of England," by Thomas Carte, A. D., 1744, printed in Nichols's Literary Anecdotes, vol. ii. p. 484: and to Harris's "Essay on the Improvement of the History of Ireland," in Hibernica, i. 257; which Essay was suggested by the foregoing curious paper of Carte.

those movements. Events they have narrated with sufficient accuracy as to time, place, and circumstances; but not so the causes to which those events might have been traced. They are involved in obscurity; and in this point of view, our otherwise elaborate annals are mainly defective. Hence the acknowledged inferiority of the civil history of Ireland, when compared with that of England, or with those of most other nations of Europe.

But leaving the Brehon laws to those more capable of giving them due consideration, and of elucidating their contents, the few observations considered necessary here, must be confined to the Parliaments of the Pale; and particularly to the memorable assembly, which enacted the laws now first published under the title of the STATUTE OF KILKENNY. With respect to the antiquity of these Parliaments, much difference of opinion has existed. Many able writers, among whom Sir John Davies, Attorney General for Ireland in the time of James I., may be considered the principal, have altogether denied their early existence. Others, and particularly our learned associate Doctor Mason, in an excellent treatise on the subject[c], have assigned their origin to the time of Henry II., even as far back as A. D. 1172; and in support of that opinion, various ancient records and testimonies of high authority have been adduced. Others again have assumed their antiquity on another ground, namely, that as the right to a Parliament was inherent in the Anglo-Saxon people, a right inalienable and indestructible, it must, therefore, be presumed to have been exercised from the first moment of their settlement in Ireland. Whatever that "inherent right" may be, or however

[c] Essay on the Antiquity and Constitution of Parliament in Ireland, by Henry Joseph Monck Mason, LL. D., and M. R. I. A., Dublin, 8vo. 1820. The research and reasoning displayed in this able Essay entitle it to a conspicuous place among the legal and antiquarian treatises connected with the history of Ireland.

ever ingenious the previous reasoning, still the most general, and seemingly the best founded opinion is, that the first convention in Ireland, deserving the name of a Parliament, was that held at Kilkenny, under Sir John Wogan, Lord Justice, in A. D. 1295.

Sir John Davies, in his celebrated speech before the Lord Deputy, A. D. 1613, states, that the Parliament convened at Kilkenny, in A. D. 1367, in which the following Statute was passed, was the most famous that until then had been holden in this kingdom. He moreover asserts, that this and all the other Parliaments to his own time, were summoned upon special and particular occasions, and not for the general settlement of the kingdom; and that the Parliament of A. D. 1613, was the first general representation of the people. But for this assertion he has been censured, as distorting the truth in order to flatter the vanity of James I., who wished to be considered as the legislator of Ireland, and the father of its constitution. Subsequent writers have not hesitated to assert that the Parliament held under Lord Strafford, A. D. 1635, was the first which had any pretensions to the character of a national convention, on account of its having members in it sent up from all the provinces[f]. But it is not intended here to venture further into this subject:

"Non nostrum inter eos tantas componere lites."

The reader is therefore referred to Doctor Mason's treatise, where he will find this *vexata quæstio*, and other points of interest as well to the legal antiquary, as to the general historian of Ireland, discussed with considerable learning and ability.

During the interval between the arrival of Henry II. in Ireland, and the expedition of Edward Bruce, A. D. 1315, the native lords had

[f] See Mr. Hyde Hall's useful Analysis of the Down Survey, in Shaw Mason's Statistical Account, or Parochial Survey of Ireland, vol. ii. p. xiii.

had been, in general, obedient to English rule. They were frequently found arrayed on the side of the government against its enemies, and often received rewards and marks of distinction for their promptitude and bravery in its cause. But the haughty and impolitic proceedings of Edward I., and the unrestrained licentiousness of the colonists, soon alienated the minds of those unsubdued and yet powerful chieftains. Driven to extremities by repeated injury and insult, they hailed the arrival of Bruce as a signal of national delivery, and eagerly flocked to his standard. Although the bold attempt of that invader was frustrated at the memorable battle of Dundalk, yet the Irish were far from being subdued, or even intimidated. On the contrary, they seemed to have acquired new confidence in their strength, and to have profited, to that extent at least, by the short sojourn of Bruce in Ireland. The result was, several successful attacks on the English of the Pale, and on the colonists in the more distant parts of the kingdom.

The latter, apprehensive of the eventual loss of their possessions, generally conciliated the natives, by intermarriages and other alliances. They gradually renounced their allegiance to the state, and finally adopted the laws, language, and manners of their former enemies. During these proceedings an occurrence took place which had considerable influence on the subsequent affairs of the country. William Burke, Earl of Ulster and Lord of Connaught, descended from one of the most considerable of the original settlers in Ireland, was slain in Ulster, by his English attendants, leaving an only daughter to inherit his vast possessions. This daughter afterwards married Lionel Duke of Clarence, second son of King Edward III.; but that prince never inherited the possessions to which he became entitled by his marriage: for the next male heirs of the deceased earl seized upon his extensive territories in Connaught, which they divided among themselves according to the laws of the Irish, and afterwards retained

in

in defiance of the English government. Duke Lionel came to Ireland twice, in the capacity of Lord Lieutenant, chiefly, it is said, to regain the possessions thus usurped, but his efforts proved fruitless[g]. During the last of these visits, he convened a Parliament at Kilkenny, in A. D. 1367, and in that Parliament was passed the famous Statute which is now for the first time printed in the following pages[h].

Sir John Davies, in his "Discovery of the true Causes why Ireland was never entirely subdued, nor brought under Obedience of the Crown of England," A. D. 1612, thus relates the causes which led to this enactment, and describes its contents. Having stated that Lionel Duke of Clarence, in the thirty-sixth year of King Edward III., came over the king's lieutenant, he adds:

"The principal service that hee intended was to reform the degenerate English colonies, and to reduce them to obedience of the English lawe and magistrate. To that end, in the fortith yeare of King Edward the Third, he held that famous Parliament at Kilkenny; wherein many notable lawes wer enacted, which doo shew and lay open (*for the law doth best discover enormities*) how much the English colonies

[g] About this time, the territory of Connaught, wherein much of the Duke's usurped possessions lay, was disturbed by agrarian dissensions, caused by the "degenerate" English, who quarrelled among themselves about the distribution of the lands; and in those disputes, some of the native Chieftains joined. See the Annals of the four Masters, at A. D. 1366, preserved in the Library of the Royal Irish Academy, Dublin. These occurrences at first tended to inspire Lionel with a hope of regaining his rights. But although the usurpers were at variance with each other, they were always ready to unite against him; and to his personal feelings of disappointment, may be attributed, in a great degree, the enactment of the Statute of Kilkenny.

[h] There is no list extant of the Members of this Parliament, but they are generally supposed to have been composed of the lords and gentry of the Pale; with such of those of the more distant parts of Ireland, as had retained their allegiance to the Government, and had not joined the Irish. Some of the ecclesiastical lords are named in the last section of the Act.—See the MS. entitled, "Effects of the Statutes of Kilkenny."—Titus, B. XII. 411, British Museum.

nies were corrupted at that time, and doe infallibly proove that which is laid down before; That they were wholly degenerate, and faln away from their obedience. For first, it appeareth by the Preamble of these lawes, that the English of this Realme, before the comming over of *Lionel* Duke of *Clarence*, were at that time becom meere Irish in their Language, Names, Apparel, and all their maner of living, and had rejected the English lawes, and submitted themselves to the *Irish*, with whom they had many marriages and alliances, which tended to the utter ruine and destruction of the Commonwealth. Therefore Alliance by Marriage, *Nurture* of *Infants*, and *Gossipred with the Irish*, are by this statute made High Treason. Againe, if any man of English race should use any Irish name, Irish Language, or Irish Apparel, or any other guise or fashion of the *Irish;* if he had lands or tenements, the same should he seized, till he had given security to the Chancery, to conform himself in al points to the English manner of living. And if he had no Lands, his bodie was to be taken and imprisoned, til he found sureties, as aforesaide.

"Againe, it was established and commanded, that the English in all their controversies, should bee ruled and governed by the Common Lawe of England: and if any did submit himselfe to the *Brehon* Law, or *March* Law, he should be adiudged a Traytor[1].

"Again,

[1] See section iv. of the Statute itself, which declares that the Brehon law "par raison ne doit etre nome lei, eins malveis custume;" and the Act there quoted, p. 18, which calls it "a wicked and damnable law." Now, although nothing short of the publication of the Brehon laws can conclusively disprove these assertions, yet, until then, in order to arrive at some conclusion as to their justness, it may be permitted here to inquire, how those unfortunately circumstanced people, the Anglo-Irish, and mere Irish, had formerly obeyed their respective laws, and what effect those laws had upon each. On this subject, the following curious, though solitary admission of Finglass, Chief Baron in Ireland, in the reign of Henry VIII. may throw some light. "It is a great abuse and reproach," says this English Judge, "that the laws and Statutes made in this lond, are not observed ne kept after the making of theme eight days; which matter is, oone of the distructions of *Englishmen* in this lond; and divers Irishmen doth observe and kepe souche Laws and Statutes which they make upon hills in their country, firm and stable, without breaking them for any Favour or Reward."—Breviate, in Harris's Hibernica, 8vo., Dublin, 1770, p. 101. After him, Sir John Davies, another English Judge (itinerant) in Ireland, tells us, in his Discoverie above quoted, that, "There is no Nation of people vnder the sunne that doth love equall and indifferent

"Againe, because the English at that time, made Warre and Peace with the bordering Enemy at their pleasure; they were expressly prohibited to leavie Warre upon the Irish without special Warrant and Direction from the state.

"Againe, it was made pænall to the English to permit the Irish to Creaght or graze upon their Landes: to present them to Ecclesiasticall Benefices; to receive them into any Monasteries, or Religious Houses; or to entertain any of their Minstrels, Rimers, or Newestellers: to impose or sess any Horse or Foot upon the English subjects against their willes, was made felony. And because the great Liberties or Franchises spoken of before, were become sanctuaries for all Malefactours, expresse power was given to the Kinges Sheriffes to enter into all Franchises, and there to apprehend all Fellons and Traytours. And lastly, because the great Lordes, when they levied Forces for the publick service, did lay unequall burthens upon the Gentlemen and Free-holders, it was ordained that foure Wardens of the Peace in every countie, should set downe and appoint what Men and Armour every man should beare, according to his Free-hold, or other ability of Estate.

"These, and other Lawes, tending to a generall Reformation, were enacted in that Parliament. And the Execution of these lawes, together with the *Presence of the King's Son*, made a notable alteration in the State and Manners of this people, within the space of seaven years, which was the tearme of this Prince's Lieutenancy. For all the *Discourses* that I have seen of the Decay of Ireland, doe agree in this, that the presence

Justice better than the Irish; or will rest better satisfied with the execution thereof, although it bee against themselves; so as they may have the protection and benefit of the Law, when uppon iust cause they do desire it." To these may be added, the testimony of another English Judge, Sir Edward Coke, who states, partly from the information of many who had judicial places in Ireland and partly of his own knowledge, "that there is no nation of the Christian world, that are greater lovers of justice, than they (the Irish) are, which virtue must of necessity be accompanied by many others."—4 Inst. 349. Now the people thus described, by those high English authorities, had been governed exclusively by the Brehon law; and if causes may be judged by their effects, surely it would not be unreasonable to conclude, that this law was not the "evil custom," or the "wicked and damnable law," which it was represented to be, by the legislators of the Pale. But yet, it must be acknowledged, that this is merely reasoning in the absence of positive proof. With many, the subject will remain a matter of doubt, until the scattered fragments of the law itself shall be collected and fully given to the world. Until then, as before observed, Irish history must remain imperfect.

sence of the Lord *Lionel*, and these Statutes of *Kilkenny*, did restore the English Government, in the degenerate Colonies, for divers years. And the Statute of the tenth of *Henry* the Seventh, which reviveth and confirmeth the Statutes of *Kilkenny*, doth confirme as much"[j].

Thus far Sir John Davies, from whom, as the oldest and most distinguished authority, I have largely drawn. Monsieur De Lolme, one of the ablest writers on the laws and constitution of England, and who as a foreigner may be considered unprejudiced, in his "Strictures on the State of Ireland," takes the following view of the subject.

"This Statute of Kilkenny has been greatly praised by Sir John Davis, and other writers, on account of its tendency to *reform* the *degenerate* English: this was the usual appellation given to those English who, after settling up the country, had adopted the Irish laws and customs. The fact is, that it was no more than a peevish and revengeful expression of the resentment Duke Lionel felt from the opposition he had met with, and the loss of those lands he had come over to claim. The Statute was not to have any obedience paid to it, out of the small compass of the English Pale. It was, in reality, a declaration of perpetual war against those persons and chieftains of English race, who were settled up and down the country, and had been, more or less, necessitated to adopt the Irish customs and laws"[k].

A recent historian, Mr. Plowden, in his "Historical Review of the State of Ireland," writes of this Statute, that

"Imagination can scarcely devise an extreme of antipathy, hatred, and revenge, to which this code of aggravation was not calculated to provoke both nations"[l], i. e. the English and Irish.

Doctor

[j] Discoverie, Dublin, fol., 1704, p. 45.

[k] Strictures, 4to. p. 31. For another opinion, see an anonymous "History of the Political Connexion between England and Ireland, from the Reign of Henry II. to the present Time."—London, 1780, 4to. p. 51, in which the writer, though he praises the Statute, admits, p. 52, that "The Duke of Clarence had not arrived in England, before the useful laws of Kilkenny were treated with contempt, and the English nobles recommenced their violences against one another."—See this curious treatise reviewed in the Monthly Review, A. D. 1780, vol. lxii. p. 306.

[l] London, 1803. 4to vol. i. p. 41.

Doctor Leland justly regrets that a spirit of general conciliation had not at that juncture prevailed:

"The reign of a renowned monarch in England, and the presence of his son in Ireland, the husband of a lady of Irish birth, and of an illustrious family, an heiress of vast possessions, were circumstances highly favourable to a generous conciliating scheme, whose apparent equity might warrant the addition of military vigour against the most desperate and abandoned. The opportunity was now lost; nor was it recovered for ages"[m].

Some Anglo-Irish writers have laboured to show that the Statute of Kilkenny mainly answered the purposes for which it had been intended; and it has been seen, that those purposes were principally to keep the English and Irish for ever separate. But it was too short-lived to answer all the ends of its promoters. A paper written in the time of Elizabeth, and preserved in the British Museum[n], states that after the death of Duke Lionel "the lawes died with him also:" but the distrust and disunion which they created, survived and continued to distract the country for more than two centuries after. The result was such as might be expected. English power and influence continued to decrease, insomuch, that at the close of the succeeding century, they were nearly annihilated in Ireland. At the beginning, the native Irish, apprehending that the real objects of a law, enacted and proclaimed with so much pomp, and appearance of authority, was to root them altogether out of the land, naturally combined together for safety; and some of the more powerful chieftains resolved upon immediate hostilities. O'Conor of Connaught, and O'Brien of Thomond, for the moment laid aside their private feuds, and united against the common foe. The Earl of Desmond, Lord Justice, marched against them with a considerable army; but was defeated and slain in a sanguinary engagement fought A. D. 1369, in the county

[m] Book ii. ch. 5.

[n] Titus, B. xii. fol. 411.

county of Limerick. O'Ferral, the chieftain of Annaly, committed great slaughter in Meath. The O'Mores, Cavanaghs, O'Byrnes, and O'Tooles, pressed upon Leinster; and the O'Nials raised the red arm in the North. The English of the Pale were seized with consternation and dismay; and terror and confusion reigned in their councils, while the natives continued to gain ground upon them in every direction. At this crisis an opportunity offered, such as had never before occurred, of terminating the dominion of the English in Ireland; but, if the natives had ever conceived such a project, they were never sufficiently united to achieve it. The opportunity passed away, and the disunion of the Irish saved the colony. But the long reign of the renowned Edward ended ingloriously in Ireland; and the series of disasters which marked its close, may, in a great degree, be attributed to the impolitic enactments of the Statute of Kilkenny.

Although Edward III. and his successors were frequently obliged to relax the severity of this law, yet it was confirmed, in the whole, or in part, by most of the numerous Parliaments held within the Pale during the succeeding century[o]. In the famous Parliament convened

[o] Davies, in his speech, says, that it was confirmed in *every* Parliament, held from the time of its enactment, to the 30th year of Henry VI., A. D. 1452. This century was the great Parliamentary period of Ireland; and it is remarkable, that those assemblies were never more busy in legislation, than while the power of the government was fast declining. When convened in Dublin, they sat in "the hows called Christes Churche, scituate in the highe place of the same, like as Poules in London, where the comen congregations of Parliamentes and greate Counsailles hathe bene used to be selebrated."—State Pap. Part III. vol. ii. p. 544. In the Parliament held there, A. D., 1475, it was enacted, "that no Knights, Citizens or Burgesses should be returned or admitted to appear in any Parliament thereafter to be holden, unless they should be resident within the places for which they were returned; and that all Knights of Counties should expend, or be in possession of, fee simple, feetail, or of freehold, within the same county, 40*s.* by the year, except the Citizens of the town and county of Drogheda."—Orig. Roll. This Act is given

vened at Drogheda, by Sir Edward Poynings 10 Hen. VII. A. D. 1494, it was confirmed, except so far as related to the Irish language, and riding in saddles; and here, a striking proof is afforded of the slow progress of political wisdom, by the importance attached to this impolitic law, in the preamble to that Act of Confirmation:

"Forasmuch as the statutes of Kilkenny were made and ordeyned for the publicke weal of the King's subjects of Ireland, to keep them under due order and obeysance, and all the season that the said statutes were set in ure, and duely executed, the said land continued in prosperitie and honour, and sith the time that they were not executed, the foresaid subjects rebelled, and digressed from their allegeance, and the land did fall to ruine and desolation, &c."[p]

But neither this Act, nor its questionable eulogium, could keep the

entire in State Papers, vol. ii. p. 534: and is also recited in the Act, ch. 7, passed in the Parliament held at Drogheda, A. D. 1478, under Henry Lord Grey of Ruthen, L. D.

Knights of the shire were anciently paid for their attendance. To this effect the following Act was passed in the Parliament holden at Wexford, under Thomas Earl of Desmond, Deputy to George Duke of Clarence, 3 Edward IV., A. D. 1463, ch. 55: "Robert Rochford, esq. and Edward Penkeston, knt. being elected knights of the shire for the county of Cork, to serve in Parliament, refused to serve unless Gerot of Desmond, sheriff of the county of Cork, would become security to them to pay them for their trouble and attendance, as much as other knights of the shire receive for theirs, which the said Gerot did; and as it is not certainly known, in those parts, what wages said knights ought to have for their labour, *because no knights were returned for a long time from thence*, therefore, at the petition of the said Gerot, it was enacted that the said sheriff may levy and take from every *charue* of land, within said county of Cork, eight pence, to pay to the said knights, as is done in the county of Dublin, and other counties."—Original Roll. But it appears that various extortions were practised by the lords and gentry whose affairs obliged them to attend on Parliament, though not members. On this subject, see State Pap. Part iii. vol. ii. p. 496; and the MS. in Lib. Trin. Coll. Dub., F. 3, 17, for a list of the members of the Parliament of A. D. 1613, and the sums paid by their constituents to several of them for their attendance: viz. 13*s.* 4*d.* per diem to a knight, 10*s.* to a citizen, and 6*s.* 8*d.* to a burgess.

[p] Irish Stat. 10 Hen. VII. ch. 8. "*An Act for the confirmation of the Statutes of Kilkenny.*"—Rot. Parl. cap. 19.

the dying Statute alive. Some faint recommendations, which appear to have been made in the early part of the succeeding century for its revival, were unattended to. It was even rejected from the first collection of the Statutes of Ireland, made by Sir Henry Sidney in A. D. 1572, and from every subsequent collection; and thus the celebrated Statute of Kilkenny, which at the time of its enactment, and for the greater part of two centuries after, had been fondly cherished as the palladium of the English interest in Ireland, was ungratefully consigned to oblivion. At the present day, it is looked upon merely as a matter of historical or antiquarian curiosity; and, like more recent Acts of similar tendency, though of different name, it remains a memorable example of the folly and wickedness of enacting vindictive laws for temporary purposes, which can only tend to create and continue dissensions among mankind.

As a comprehensive and well-digested account of the Parliaments of Ireland, and their proceedings, may be considered a desideratum in Irish history, a few hitherto unpublished particulars, concerning some of those parliaments, are added here, and in an Appendix to the following pages, merely for the sake of preservation. Sir John Davies, in his speech already alluded to, says, that "King Edward VI. did call no parliament in Ireland." But there remains extant a letter of that Prince, dated from Windsore, the 5th August, in the 4th year of his reign, A. D. 1550, to the Lord Deputy of Ireland, empowering him, in the following words, to summon a Parliament:

"We thinke also expedient that you, our Deputie, with the advise of the rest of our Counseill, cause a Parliamente of the lords and Commons to be summoned ageinste such time as you shall think good; wherein you may deliberately consult with them uppon such weighty affaires of that our Realme, as to you maye seme requisite.—E. Somerset."[q]

This

[q] Rolls of Chancery, 5 Edw. VI.

This intention was prevented by the unsettled state of the times. Leland, on this subject, merely observes, that "Sir Anthony Saintleger was appointed Lord Deputy, and sent to Ireland with a commission to convene a Parliament in that kingdom[r]."

In the Appendix II. at the close of this Tract, will be found a list of the Members of the two Houses of the first Parliament of Queen Elizabeth, held in Ireland A. D. 1560, taken from the original record, and not before published: but there is no list remaining of the Members of her second Parliament, which was the most memorable of her reign. Sir Henry Sidney, soon after his appointment as Lord Deputy, A. D. 1565, expressed a desire that this Parliament should be immediately convened, for the purpose of renewing the subsidy, and thereby providing for the exigencies of the government. His request was accordingly acceded to, as appears by the subjoined original letter of the Queen, now first published[s]. The formidable resistance of O'Nial in

[r] Book III. ch. 8.

[s] "For auethorytie to call a Parlyament.

"By the Queene.

"Elizabeth, R.

"Right trusty and well-beloved, we grete you well. Where, we understand you are desyrous to have authority to call a parlement, the rather for the renewing of our subsidye there, to be newly grantid for some yeres, as is there accustomid: Before we woll have assentid thereunto, we coude have ben contentid to have had advertisment from you, what other matters yow thought meete to be comendid on in the same, for the benefite of our service. *Ffor, except the same might appeere very necessary, we have small disposition to assent to any Parlement.* Nevertheless, when we call to remembraunce the ancyent maner of that our Realm, that no maner of thing there ought to be comended or treatid upon, but such as we shall furst understand from you, and consent thereunto our self, and consequently retourne the same under our great seale of this our Realme of England; we ar the better mynded to assent to this your request. And I authorise you to devise with our counsell there, onely of suche things as may appeere beneficiall for us and that our Realme. And (if you thinke good also) to devise (besydes this ordinarye subsidy that is usually granted) how we might have som greater ayde this next yere for reformation of Ulster. Yeven

in the North, and the feuds of the rival Earls of Ormond and Desmond, obliged Sir Henry Sidney to repair to England. This delayed the meeting of the intended Parliament. But he having returned with more ample powers, Parliament was soon after summoned, and it assembled in Dublin, according to Cox, on the 17th of January, 1568. The first Act which appears in the Statute Book is the "Act of Subsidie," alluded to in the Queen's letter of January, A. D. 1566. Sir John Davies states in his speech, that the principal reason for holding this Parliament was, "to extinguish the name of O'Neale, and entitle the Crown to the greatest part of Ulster;" and that this was accordingly done, appears by the Act to that effect, in the printed Statutes. The third and last Parliament of Queen Elizabeth was that held at Dublin in A. D. 1585. A list of the members of both Houses will be found in Appendix III[t]. To conclude these few notices, the parliamentary inquirer is referred to the Patent Roll of Chancery

under our Signet, at our Palace of Westminster, the xvi[th] of Ianuary, 1566, the ninth yere of our reigne.

"To our right trusty and welbeloved
"Sir Henry Sidney Knight."

This determination to convene a Parliament so soon after the appointment of Sir Henry Sidney, has not been noticed by our historians. The foregoing original letter to that effect, under the sign manual of the Queen, has been recently discovered by the writer, among the curious and valuable collection of manuscripts in the possession of Messrs. Hodges and Smith, Dublin.

[t] I have been induced to insert this document, which has never before been printed, among other reasons, to correct an error into which some have fallen, by supposing that the native lords and chieftains, mentioned by the Four Masters, as having attended the Parliament of A. D. 1585, did so as members thereof. The account of these Annalists may be compared with the Parliamentary list; and both together will be found to furnish a correct and nearly perfect schedule of the principal lords and gentry of Ireland, as well English as Irish, at the close of the sixteenth century. These may again be compared with the still more curious view of the state of Ireland, in the beginning of the same century, containing "the chyef Iryshe countreys and regions, and chief Capytaines of the same, and the Englyshe

Chancery (16 Jac. I. p. 3, d.) for some curious particulars relating to the election of the Members and Speaker of the first Parliament of James I., A. D. 1613, which are not to be found in the printed histories of the time.

To return to the immediate subject of inquiry. Amongst the numerous Irish records lost by time and accident, the Statute of Kilkenny has also disappeared; for, the oldest Statute Roll now extant, is one of the fifth year of Henry VI., A. D. 1426. Bishop Nicholson, in his Irish Historical Library, states, that "the Statute of Kilkenny is, and long has been, lost out of the Parliamentary Records of this kingdom;" and it does not satisfactorily appear, that it has been seen by any writer on Irish affairs since the days of Ussher, Davies, and Ware. Mr. Plowden, one of our latest historians, has stated, that in his time it was "preserved in the Castle of Dublin[u]". But this was mere conjecture, which the writer from personal research can negative. Ussher appears to have duly appreciated the historical importance of our parliamentary records, and to have studied them with close attention[v]. In an old Book of Reference, A. D. 1634, preserved in the Rolls' Office, Dublin, I find the following entry: "Rotul. 13°. Ed. III. A Parliament roll in My Lo. Prymate's hands." If he returned this roll, it has been since lost, for it is not at present to be found there. From this entry, however, it may be inferred, that other rolls might have been likewise borrowed; and, perhaps, among them, that containing the original inrolment of the Statute of Kilkenny. For in a treatise "Of the first Establishment of English Laws, and Parliaments in the Kingdom of Ireland, October 11th,

lordes and noble folke," A. D. 1515, placed at the commencement of the Irish State Papers, Part III. vol. ii. London, 1834.

[u] Historical Review, p. 41.

[v] See Appendix hereto, No. I. also the MS. vol. E. 3, 10. in the Library of Trinity College, Dublin.

11th, 1611, written by James Usher, afterwards Archbishop of Armagh," it is stated, that

" The Acts of the Parliament holden at Kilkenny, the first thursday in Lent, 40th Edw. III. are to be seen among the Rolls of Chancery, and are commonly known by the name of the Statutes of Kilkenny"[w].

After diligent search, however, they have not been found in the place alluded to, or in any other repository in Ireland[x]. But ancient transcripts are known to be extant in London, viz., one in the British Museum, Cotton, Titus, B. 11; and two in the Library at Lambeth, DCIII. 164, and DCVIII. 1.

The

[w] Collectanea Curiosa, 2 vols. 8vo., by John Gutch, Oxford, 1781, vol. i. p. 39.

[x] See Serjeant Mayart's answer to Sir Richard Bolton's Declaration, in Hibernica, where it is stated, that " many of the ancient records of Ireland, in troublesome times, were transmitted into England; and those which remain in Ireland were put up together in one place, in the times of rebellion; and after taken out by the officers of the several courts but not duly sorted."—Part ii. p. 81. This passage, written nearly 200 years ago, by one of the highest legal authorities of the time, is valuable as regards the records of this country. In it we discover the reason, why several records relating to Ireland, are now to be found in London, viz. in the Tower, the Chapter house at Westminster, and other repositories there; in all which places they are totally useless. In some, it is said, they are looked upon as mere lumber, taking up the room of more valuable documents; and that without being of any use or benefit. It is also said, that some of the officers, in whose custody they remain, know nothing of their origin, or the cause of their being there. That cause, however, appears in the foregoing extract; they " were transmitted into England in troublesome times," and have never since been brought back or reclaimed. Though useless there, they might prove useful at home, if only for historical purposes; and, therefore, and as they belong to Ireland, they ought to be restored.

The Irish charge Sir George Carew with having taken away and destroyed many of their ancient records. His *collection* in the Lambeth Library has been thus strangely described by Bishop Nicholson. " This great and learned Nobleman, *wrote* other books (besides the Pacata Hib.) relating to the affairs of Ireland; *forty-two volumes whereof*, are in the Archbishop of Canterbury's Library at Lambeth."—Irish Historical Library, ch. ii.

The mode of promulgating Acts of Parliament before the invention of printing, would form a curious subject of inquiry here, if space permitted[y]. The "Act for the confirmation of the Statutes of Kilkenny," 10 Hen. VII. ch. 8. A. D. 1494, "ordeyned that all the foresaid statutes be incorporate and written in two books, one of them to be in the king's chiefe place, and another to be in the common place"[z]. But Mr. Justice Luttrell in his "Booke to the King's Commyssioners in Ireland," A. D. 1537, complains, "that fewe or none can have knowledge of all statutes made in this lande, bycause they be kept in the Tresaurye, and no bookes made of them, by reason whereof manye offendeyth therein for ignorauce . . . . it were necessarye, and a gracyous acte, that all the same statutes were set in prynt, whiche woulde be bought comynly in this lande, at any reasonable price"[a]. This useful proposition for printing was not carried into effect until the time of Sir Henry Sidney, Lord Deputy in the reign of Queen Elizabeth: for in the MS. Titus B. IX. Cotton. British Museum, I find the following entry:

"The statutes of Ireland from the 10th yere of king Henrie the sixt to the thirteenth yeare of the Queene's Matie that now is, printed at London, 1572, by the procurement of Sir Henry Sydney, knight of the Garter, lord president of Wales and lord Deputy of Ireland, having sumoned all the Justices of both benches, with the chief Baron of the Exchequer, and the Mr of the Rolls, and referred to them the copying out and examining of all the statutes as were of Record and not published; which

[y] On this subject, see that venerable record, the Red Book of the Exchequer, preserved in the office of the Chief Remembrancer, Dublin, for an entry of a mandate from Edward II. to the Chancellor of Ireland, A. D. 1318, commanding him to cause the Statutes of Lincoln and York to be enrolled, exemplified and sent to all the King's courts, and to every county of the land; and commanding the officers of those courts, and the sheriffs of the counties, to cause the same to be published and firmly observed.—Red Book, fol. 33. See also "Statutes of the Realm," vol. i. p. 179. London, 1810.

[z] Irish Statutes, vol. i. p. 47.

[a] State Papers, Part iii. vol. ii. p. 509.

which they did, and delivered the same perfectly written and examined, with all their hands subscribed to every one of them[b]".

The Statute of Kilkenny having, as already mentioned, been omitted in the foregoing and all subsequent collections of the Statutes, and not being on record here; the writer, anxious to procure a document so celebrated in Irish history, made a transcript of it from the MS. DCVIII. 1. in the Lambeth Library, and even essayed a translation into English. But the late Roderick Connor, Esq., one of the Masters of Chancery in Ireland, having, while a Sub-Commissioner of Records there, been deputed to search in England for materials of an intended edition of the Irish Statutes; he transcribed our Statute from the Lambeth MS. DCIII. 164, which, as being the oldest copy, was preferred for the text, except sections 14, 15, 16, 17, taken from the other copy there. He then collated his transcript with the latter, and also with the MS. in the British Museum, and marked the various readings between them. Mr. Connor having also made a translation[c], kindly

[b] This entry appears to have been made from the printed book. It is curious that no copy of this first edition of the Irish Statutes is to be found in any public library in Ireland. In the Anthologia Hibernica, a periodical published in Dublin in 1793, vol. i. p. 20, there is a statement that one "Merrick published our laws in 1617;" but this is erroneous. The writer confesses that he had not seen the publication which he has alluded to; and he also states that Sidney's publication was "about 1586," whereas it was printed by R. Tottell, London, 1572.

[c] The printed Statutes of Ireland, previous to 10 Hen. VII., are only translations of the original Acts in Norman French, which originals have never been published; and there is every reason to suppose, that even the translations have never been corrected from the Rolls. Of this a remarkable instance appears in the Act, 8 Edw. IV., cap. 70, by which it was enacted, that all the English Statutes *concerning rapes*, should be adopted in Ireland; but the words "de toutz maners dez rapes" in the original, having been omitted in the translation, the printed Act appears to adopt *all the statute law of England*, instead of that part only which concerned rapes.—See the printed Irish Statutes, vol. i. p. 34. This has all the appearance of a wilful omission; and it is curious, that two great lawyers, Sir Richard

kindly lent it and other documents to the writer, to enable him to complete his own imperfect attempts; who, having done so, felt pleasure in presenting his transcripts, so completed, to the Archæological Society. At the request of some of the learned members of that body, he has, with unfeigned diffidence, undertaken to edit the present tract. His inadequacy he endeavoured to atone for by attention[d]; and will feel amply requited, if his labour shall, in any degree, tend to forward the objects of the Society.

OF THE ENGLISH PALE.

This once celebrated enclosure[e] is so frequently mentioned throughout these pages, and the particulars which can be gleaned from our historians respecting it are so trifling, that a few additional notices seem necessary here for the satisfaction of the general reader. The writer had, at one time, been of opinion, that the Pale might be traced, though indistinctly, to the time of the first adventurers, in the

Bolton, and Serjeant Mayart, should have been led into error by it.—See Harris's Hibernica, i. 19, 29, 170. Our historians have followed in the same track; so that the utmost fidelity and caution should be observed in translating these important records. The following is the opinion of an eminent lawyer on that subject. "I have put every Statute in the tonge that it was first written in. For these that were first written in Latin or in Frenche dare I not presume to translate into English, for fear of misseinterpretacion. For many wordes and termes be there in divers Statutes, both in Latin and in Frenche, which be very hard to translate aptly into English." Epistle to W. Rastall's collection of the English Statutes, London, 1557.—See also Statutes of the Realm, vol. i. Introd. xxii. Lond. 1810.

[d] The annotations may be considered too long; but their length was occasioned by an anxiety to introduce as much original matter, hitherto unprinted, as possible. They are not, however, essential, and may be passed over, Adesse vel abesse possunt sine subjecti interitu.

[e] This was the primitive meaning—Pale, Palus, a rural fence or enclosure. It was afterwards used "for any district or territory;"—Johnson. Another lexicographer says, that it was "that part

the twelfth century[f]. For, although they and their immediate descendants effected settlements under royal grants, in distant districts of the land; yet as Dublin, the seat of government, and its immediate vicinity, were from the beginning jealously fenced against the natives, he supposed the origin of the Pale might be referred to that circumstance, but for the supposition there appears no sufficient authority. Sir John Davies has stated, that "when the English Pale was first planted, all the natives were clearly expelled, so as not one Irish family had so much as an acre of freehold in all the five counties of the Pale"[g]. He does not, however, mention when that event took place, nor does he adduce any authority for the statement. Neither could he do so: for though it might be inferred from his words, that the Pale was planted at some particular time, there is no evidence on record to support such an inference. It is certain that it could not have been so early as A. D. 1209, for it appears from the Annals of Dublin, that the Irish had then resided in the neighbourhood of the city[h]; and there is no record extant of any such extirpation as that asserted by Davies. During the long reign of Henry III. there is no trace of the Pale. In the time of that monarch

wherein the English formerly lived apart from the Irish."—Bailey.

[f] See the treaty of Windsor, A. D. 1175, between Henry II., and Roderic King of Ireland, in Rymer; and quoted in the following tract, p. 103. n. My learned friend Mr. Brewer, in his Beauties of Ireland, says, "there are some reasons for believing" (but the reasons are not stated) "that a survey of such parts of Ireland as were possessed by the English, was made in imitation of Domesday Book, by order of Henry II., but if such a survey ever existed, it has been long since lost, and is, indeed, said to have been destroyed by fire, together with other records, previous to the time of Edward I."—Vol. i. Introd. lxii. For the recorded account of this fire, which took place A. D. 1300, see the Calendar of the Patent Rolls, Dublin, 1829, p. 12; also Harris's MSS. in possession of the Royal Dublin Society, vol. i.

[g] Letter to the Earl of Salisbury, A. D. 1610.

[h] Fasti Dublinienses, ad an. 1209.

narch, the great English feudatories in Ireland were chiefly employed in mutual warfare, and in endeavouring to establish their power and defend their possessions against the deprived Irish chieftains. On the accession of Edward I., A. D. 1272, the territory afterwards converted into the Pale, appears to have been indiscriminately inhabited by English and Irish; but the latter were without the benefit or protection of the laws enjoyed by the former. The King, in his memorable but abortive mandate to the Lord Deputy Ufford, to consider the necessity of making those important concessions, at the same time irritated the natives, by denouncing their ancient laws as "hateful to God and repugnant to all justice[i]". The effect of this monarch's general policy towards the Irish has been already noticed[j]. Their resistance to his government became general, and in his reign they began, for the first time, to press upon the territories which until then had been peaceably occupied by the English, who gradually receded before them towards the capital. In A. D. 1294, O'Connor of Offaly wasted Kildare, "and burnt all the rolles and tallyes of that countrie"[k]; and about the same time, many of the English openly adopted the manners and customs of the natives. "They affected," says Leland,

[i] Leland, Book ii. ch. 2.

[j] Page vii. The Irish had but little favour or mercy to expect from a Prince of whom the following fact is recorded. Fatal dissensions subsisted in Connaught between two great rival chieftains, O'Conor and Mac Dermot; and the former was defeated and slain in a sanguinary engagement. Edward summoned over the Lord Justice, Ufford, to account for permitting such "shameful enormities;" Ufford deputed Fulburn, Bishop of Waterford, to satisfy the king; and he "yeelded this reason, that in policie he thought it expedient *to winke at one knave cutting off another*, and that would save the king's coffers, and purchase peace to the land; *whereat the king smiled, and bid him return to Ireland.*"—Hanmer, A. D. 1278. This has been entirely suppressed by Cox and Leland; although they have not forgotten the notable story of Alice Kettle, the witch of Kilkenny, her sacramental bread stamped with the Devil's name, and her spirit, Robin Artison.—Campion, cap. vi.

[k] Hen. of Marleburrough.

Leland, "the garb and outward appearance of Irishmen. Such were the beginnings of a degeneracy so fatal in its progress." To prevent or remedy these defections, a Parliament was summoned by Sir John Wogan, Lord Justice, which assembled at Kilkenny, in A. D. 1295; and there passed several laws, a summary of which may be seen in Leland[l], who says, that "the incursions of the Irish were for a time repressed." But it must have been a short time, for he immediately after states, that "the utmost efforts were scarcely sufficient to defend the province of Leinster;" and thus terminates the impolitic reign of Edward I. in Ireland.

Then began the formation of what was afterwards called the "English Pale," into which the colonists retreated and fortified themselves against the attacks of the Irish. This district, which comprehended the territories of Louth, Meath, Kildare and Dublin, was originally denominated the "English lande," to distinguish it from the surrounding territories which were possessed by the "mere Irish"[m]; and it does not appear to have acquired the name of the "English Pale" until the fifteenth century. The extirpation of the natives, alluded to by Davies in the extract before quoted, if ever it occurred, and the fact is very doubtful, must have taken place about the close of the reign of Edward I., after A. D. 1300, at which time dreadful animosities raged between the English and the Irish. Of the origin of the Pale, Campion writes as follows:

"When the Irish had raised continual tumults against the English planted heere with the Conquest, at last they coursed them into a narrow circuite of certain shires in Leinster, which the English did choose, as the fattest soyle, most defensible, their proper right, and most open to receive helpe from England. Hereupon it was termed their *Pale*, as whereout they durst not peepe"[n].

Although

[l] Book ii. ch. 2. The Acts themselves are recorded in the Black Book of Christ Church, Dublin, fo. 6.

[m] See Stanihurst, De rebus Hib., p. 27; and his Description of Ireland in Holinshed, ch. i.

[n] Historie, cap. i. The paper in the British Museum, before referred to, note,

Although the term "Pale" is here applied to the "English land," it was not known by that name at the time to which Campion's account is referrible, viz., about A. D. 1300, or for a considerable period after. The district, as to its limits, was defined before that term was applied to it, which, in any authentic record that I have seen, was not until late in the succeeding century[o]. During this long

p. viii., states, that "the Lord of Leix" [who was descended from one of the heiresses of the Earl Marshall, by Eva, daughter of Strongbow], "entertained one of the Moores; the lord of *Carlogh*" [descended from another of those daughters], "one of the Cavenaghs, of the blood of Mac Mourough, dwelling in Facon; who preceivinge their Lo. to have so slight regard unto them, so strengthened themselves with the Birnes and the Tooles, their kinsmen; that first, the Moores in Leix, and the Cavenaghs in Carlogh, within the compass of four years, usurped the most part of those countries, kept them as their own, and expelled the English inhabitants."—Titus, B. XII.

[o] The term, March or Border, is that invariably used in several Acts of Parliament which relate to the transactions of the Pale. This will appear by the following extracts from several unpublished Acts of the reign of Edw. IV., viz. An Act passed in the Parliament held at Naas, and prorogued to Dublin, an. 12°, s. 16, recites, that "The town of Callen, in the county of Uriell, stands on the frontiers of the *March*, and is the key of that part of the country." An Act passed in the Parliament, held at Dublin, an. 13°, s. 57, recites, "Whereas, Esmond Wellesley, son to Robert Wellesley, purposes to make a castle in Lercorre, which is the frontier of the *March* of the county of Meath, and which would be great succour and relief to all Meath: Enacted, that he shall have 10*l.* to be levied upon the whole county for that purpose." In an Act passed in the Parliament held at Dublin, an. 15°, 16°, s. 25, Newcastle, near Lyons, is called "one of the keys of the county of Dublin."—Sect. 85, same Parliament, states, that "the lands of Ballychire are held by grand service; which town was wasted, and was a common place to the Birnes and the Tooles to lodge in: and from thence they use to scour to Clondalkin, and all the country round, and have laid waste one moiety of the manor of Tassagard."—Sect. 88 states, that "the tenants of Frayne, in the parish of Athboy, parcel of the Lordship of Portlester, are greatly oppressed by the Bermynghams, and divers other *Marchers* near them; and also they are greatly oppressed by divers subsidies and other taxes, by reason whereof, the inhabitants thereof have purposed to quit the said town of Frayne." An Act passed in

long interval, the incursions of the Irish were frequent and destructive on the English territory, which was gradually decreasing in extent, insomuch, that according to the document, Titus, B. XII. in the British Museum, before referred to,

"So wonderful had these Irish Lords incroched into the Pale, that afterwards when the

the Parliament held at Dublin, an. 16°, 17°, s. 24, recites, that "Rowland Eustace, knt. lord of Portlester, Chancellor of Ireland, hath built a town anew, with a castle in Galmoreston, in the county of Kildare, which lies in the frontier of the *March* of the said county." In an Act passed in the Parliament held at Naas, an. 19°, s. 2, it is recited, that "Cokeston in the barony of Athirde, is too open and exposed, and if it was ditched round and entrenched, it would be a great help to all the English country adjoining thereto; and enacted, that one labourer shall go out of every house, on two days in every year, during three years, with barrows and spades, as they shall be warned by the Sheriff of Louth, or by Robert Taff of Cokestown, gent., to sink trenches round Cokeston aforesaid."—Sect. 10, It was enacted, that 10*l.* be assessed on the county of Kildare, to enable Roland Eustace, knt., Lord Portlester, and Nicholas, prior of Conall, to build a castle at Balablaught, in the *borders* of the *March* of the county of Kildare." Sect. 12, recites, that "Richard Bellewe, esq., has built and furnished a tower in the Castletown of Dundalk, on the border of the *March* of the county of Louth, and intends to build another tower, anew, in the said town; and enacts that he shall receive and take twelve pence of every plowland in the county of Louth, for building the same." And an Act passed in the Parliament held at Naas, an. 20°. s. 3, recites, "Whereas, divers ways and entries are open towards Arst, by which the O'Conghours (O'Connors) and other Irish enemies daily do great injuries to the county of Kildare, and namely to Arst, which is near to the said entries and ways; and are likely to be the destruction of the said county of Kildare, unless it be most speedily remedied: and enacts, that the sheriff of the county shall have full power and authority to direct his warrants, in writing, to the serjeants of every barony, except Kilcolyn, Naas and half the barony of Norragh, to summon a man out of every house, with a spade and a barrow, for two days, as the said sheriff shall think most necessary, to cut the said entries and ways." See also other extracts to the same effect, in the subsequent notes to this tract. For various incursions on the Pale by the Irish, during the 15th century, see Annals of the Four Masters, at the years 1444, 1446, 1450, 1452, and 1483: and for the like in the 16th century, see the State Papers, *passim*.

the said Hen. [VIII.] came to the crowne, taking in hand the general reformation of that country, it was found that the English Pale was restrained into 4 contries onlie, viz.: Dublin, Kildare, Meath, and Louth; and those also not to be free from the Irish invasions, and so weakened withall and corrupted, that scant 4 persons in any parish wore English habits; and coine and livery as current there, as in the Irish countries, which was first brought into the Pale by Sir James of Desmond, in the time of his government."

To this humiliated condition, by the long-continued impolicy of their rulers, were the English of the Pale reduced at the commencement of the sixteenth century. They lived in a state of continual warfare with the surrounding Irish; and were hemmed in within their narrow limits, "whereout they durst not peepe." These limits, as described in A. D. 1515, were as follows:

"The Englyshe pale doth streche and extende from the towne of Doundalke, to the towne of Derver, to the towne of Ardye, allwaye on the lyfte syde, leving the marche on the right syde, and so to the towne of Sydan, to the town of Kenlys, to the town of Dengle, to Kylcoke, to the towne of Clanne, to the towne of Nasse, to the Bryge of Cucullyn, to the towne of Ballymore, and soo backwarde to the towne of Ramore, and to the towne of Rathcoule, to the towne of Talaght, and to the towne of Dalky, leveing allwaye the marche on the right hande from the sayd Doundalke, folowing the said course to the said towne of Dalkye"[p].

The inhabitants of the four shires, viz., Dublin, Kildare, Meath, and Louth, comprehended within the foregoing bounds, "hath ben so spoiled, oppressed, and robbed, as they be not of abilitie to gyve to your Grace any notable thing"[q]; and to the "shires above the water of Barrow, viz., Kilkenny, Tiperary, Waterforde, and Wexforde, the Kynges judges and officers cannot resorte to ministre justice."

[p] State Papers, part iii. vol. ii. p. 22. The modern names of the places mentioned in the above extract are, Dundalk, Derver, Ardee, Syddan, Kells, Dangan, Kilcock, Clane, Naas, Kilcullen-bridge, Ballymore-Eustace, Rathmore, Racoole, Tallagh, Dalkey. Following these bounds, an accurate map of the Pale may be formed.

[q] Id. p. 380, letter of the Lord Deputy to Hen. VIII., A. D. 1536.

justice"[r]. Such were the melancholy, though natural consequences of the system heretofore pursued in Ireland.

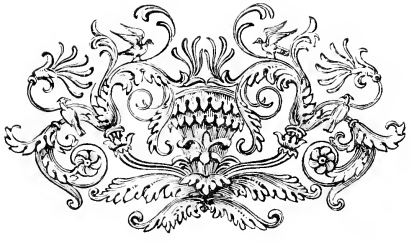
To conclude, therefore, the English Pale did not long survive the Statute of Kilkenny. Its name seldom occurs in public documents during the reigns of Elizabeth[s] and her successor. It soon after faded into history, or was barely remembered by ancient men: but the principle of exclusion remained. Thus, in some grants of James I., clauses in certain cases will be found, against all persons "except those of English birth by both parents, or those born in the Pale"[t].

On closing these few notices, the Editor hopes he may be excused for venturing to express his feelings of respect for the memory of a departed friend, the late Edward Lawson, Esq., Barrister, of Dublin, a man whose high sense of honour, simplicity of character, and profound erudition, were well known and appreciated; and from whose intercourse, and enlightened conversation on many subjects, particularly those here treated of, the Editor has derived considerable advantage. He has also to express his thanks to the Rev. Doctor Todd, of Trinity College, Dublin, for the facilities at all times afforded him, when consulting the manuscripts in the University Library.

[r] Id. p. 411. Hence, "it was a common expression among the inhabitants of Ireland to say, that *they dwelt by-west of the law, which dwelt beyond the river of the Barrow* (thirty miles from Dublin)."—De Lolme, Strictures, p. 35.

[s] In a book of State Letters, preserved in the Vice Treasurer's Department, Dublin, there is one of Queen Elizabeth, directing that Andrew Brewerton, gent., should have a grant of lands "within our Englyshe Pale," 27th June, 1570.

[t] See, among others, a grant to Sir Henry Folliott, Knt., 6 July, 1608.—Rot. Pat. 5 Jac. I. p. 1, No. 19.



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[a] *Statute*, or, perhaps more correctly, *Statutes*; for it will be seen, that although there is but one Preamble, there are thirty-four distinct Acts, besides the Conclusion. But in this tract, in order to avoid mistakes as to reference, I have been obliged to conform to the usage of our historians, who have generally referred to it as a single Act, under the title of the *Statute* of Kilkenny; and have consequently treated the several Acts as if they were sections of that Statute. Some of our best authorities have, however, used the term *Statutes*. Vide ante, pp. xi, xix, and Stat. 10 Hen. VII. p. xiv.

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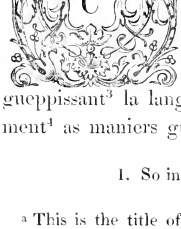
STATUTE

STATUTE OF KILKENNY.

STATUTUM DE KILKENNYE,

QUOD FUIT EDITUM IBIDEM

TEMPORE LIONELLI DUCIS CLARENCIE ANNO REGNI REGIS EDWARDI TERTII A CONQUESTU ANGLIE XL^mo.[a]



Ome a la conquest de la terre Dirland et long temps apres les Englois de la dit terre userent la lang morture[1] et vesture Engleis & furent governez & reulez et lour subjits appellez Betaghes[2] par la lei Engleis en quel temps Dieu et St. Eglise et lour franchises solonc lour condicions tenuz en subjection et ore plusors Engleis de la dit terre gueppissant[3] la lang gis monture leys & usages Engleis vivent et se governement[4] as maniers guise et lang des Irrois enemies et auxiant ount fait divers mariages

1. So in copy.—2. *Bethages.*—3. *guerpissans.*—4. *govern*ent ?

[a] This is the title of the copy of the Statute of Kilkenny, preserved in the British Museum. The copies at Lambeth are headed, "The Statuts of Kilkenny, enacted at a parliament held under Lionell Duke of Clarence, son to Kinge Ed. III. in Anno [ ]."

[b] *Conquest.*—The conquest of Ireland is here, as in other ancient records, confidently asserted; but it has been well proved that this pretended conquest was nothing more than the voluntary submission of some of the native princes to Hen. II.—See Molyneux, "Case of Ireland:" also Sir John Davies' "Historical Relations," published 1612, wherein the author, even in the title of his book, states that, "until then Ireland was never entirely subdued." In an old treatise on the effects of the Statute of Kilkenny, preserved in the British Museum, Titus, B. XII. it appears that "O'Neil, prince of Ulster, would never acknowledge obedience to King Henry II." Roderic O'Conor, King of Ireland, disdainfully rejected any communication with him while he remained here; and yet, it is certain, that Henry, at that very time, assumed and exercised royal authority over Ireland. See his grants of the territory of Meath to Hugh de Lacy, and of the kingdom of Cork to

THE STATUTE OF KILKENNY,

WHICH WAS ENACTED THERE

IN THE TIME OF LIONEL DUKE OF CLARENCE, IN THE XLth YEAR OF THE REIGN OF EDWARD III. FROM THE CONQUEST OF ENGLAND.

WHereas at the conquest[b] of the land of Ireland, and for a long time after, the English of the said land used the English language, mode of riding and apparel, and were governed and ruled, both they and their subjects called Betaghes[c], according to the English law, in which time God and holy Church, and their franchises according to their condition were maintained [*and themselves lived*] in [*due*] subjection; but now many English of the said land, forsaking the English language, manners, mode of riding,

Robert Fitz Stephen and Milo de Cogan, given in Ware, vol. ii. pp. 192–3. These grants are addressed to "Our faithful subjects, French, English and *Irish*." For this assumption of royal power, not conquest, but the grant of Pope Adrian, with the partial submissions before alluded to, was his only title. This famous grant was, moreover, the only title under which one of his successors, namely, Edward IV. claimed the obedience of the Irish. This appears by an Act of a parliament of the Pale, held at Dublin in A. D. 1467; and which Act, never having been printed, I extract from the original roll as follows: "As our holy Father Adrian, Pope of Rome, was possessed of all the seigniory of Ireland in his demesne, as of fee, in right of his Church of Rome, and to the intent that vices should be subdued, and virtue encouraged, he aliened the same land to the king of England, for a certain rent to be received in England, to hold to the king of England and his heirs for ever: by which grant said subjects of Ireland owe their obedience to the king of England, as to their sovereign Lord, as by said bull appears. It is, therefore, ordained, that all archbishops and bishops of Ireland, shall upon the monition of forty days, proceed to the excommunication of all disobedient subjects, and if such archbishop or bishop be negligent or remiss in doing their duties in the premisses,

mariages & aliaunces enter eux et les Irrois enemyes avaumtditz dont le dit terre et le lieg people de icelle la lang Engloies ligeance a nostre seignour le

they shall forfeit one hundred pounds."—Orig. Stat. Rolls Office, Dublin.

Another Act for the regulation of the coinage, A. D. 1460 (see Simon on *Irish Coins*, p. 79), recites, "that as not only the dutchy of Normandy, but also the dutchy of Guienne, when they were under the obedience of the realm of England, yet were no less separate from the laws and statutes of England, and had also coynes for themselves, different from the coyne of England; so Ireland, though it be under the obedience of the same realm, is, nevertheless, separate from it, and from all the laws and statutes of it, only such as are there by the lords, spiritual and temporal, and commons freely admitted and accepted of, in parliament, or great council."

In the reign of Henry VII. the influence of the English extended little farther than four counties; and so straightened were they that it was found necessary to protect them from the incursions of the Irish, by a ditch raised along the borders of the Pale. For this purpose an Act was passed in the celebrated parliament held at Drogheda, in A. D. 1494. As this curious Act has been passed over in silence by Cox, and has never been printed, I take the following extract from the original roll, preserved in the Rolls Office, Dublin: "As the marches of four shires lie open and not fensible in fastness of ditches and castles, by which Irishmen do great hurt in preying the same: it is enacted, that every inhabitant, earth-tiller, and occupier in said marches, i. e. in the county of Dublin, from the water of Anliffy to the mountain in Kildare, from the water of Anliffey to Trim, and so forth to Meath and Uriel, as said marches are made and limitted by an Act of Parliament, held by William, Bishop of Meath, do build and make a double ditch of six feet high above ground, at one side, or part which mireth [meareth?] next unto Irishmen, betwixt this and next lammas, the said ditches to be kept up and repaired as long as they shall occupy said land, under pain of forty shillings; the lord of said lands to allow the old rent of said lands to the builder for one year, under said penalty. The Archbishop of Dublin and the sheriff of the county of Dublin, the Bishop of Kildare and the sheriff of the county of Kildare, the Bishop of Meath and the sheriff of the county of Meath, the Primate of Armagh and the sheriff of the county of Uriel, be commissioners within their respective shires, with full power to call the inhabitants of said four shires to make ditches in the waste or *Fusagh* lands without the said marches." This was a low state for *conquerors* to be reduced to after more than three centuries' possession. The question of *conquest* is now of little consequence, but the integrity of history is at all times important, and it is therefore to be hoped that this subject, which can only be cursorily glanced at here, may attract the attention of some of our learned associates, who are versed in the history and antiquities of their native land.

[c] *Betaghes.*—In Sir Richard Cox's "History of Ireland," a work abounding in error, I find "Bettagh or Buddagh, a clown or villain;" meaning, as I suppose, the Betagh of the English Pale; but the *Biatagh*, biaṫach, of the Irish was one of a different class; he

riding, laws and usages, live and govern themselves according to the manners, fashion, and language of the Irish enemies[d]; and also have made divers marriages

was a public officer, whose duties were to supply the king's household with provisions, to furnish necessaries for the army, and to provide entertainment for travellers. In after times any hospitable man, housekeeper, or farmer, was called Biatach.—O'Brien's *Irish Dict.* in v. For the foregoing purposes, they were endowed with land, called baile biataigh, a Bally betagh or Betagh land; and this generally contained the thirtieth part of a triocha ceada, or barony, and comprised four peppeach or ploughlands, each containing one hundred and twenty acres of the large Irish measure. The Annals of the four Masters, under the year 1177, record that "Roderic O'Conor, king of Ireland, made a grant, in perpetuity, of a *Baile Biataigh*, viz., the townland of *Tuaim Achaidh*, to God and St. Berach. The following were the sureties of that perpetual gift. Cadhla O'Duffy, Archbishop of Tuam; Aireachtach O'Roduibh [now Geraghty]; Flann O'Finaghty; Hugh O'Flynn; Ruaire O'Maoilbrenain [now Mulrenin]; Ignaidhe [Ignatius] O'Manachain [Monaghan]; Giolla-an-Choimdhe Mac-an-Leastair O'Hanly, and Connor Mac Dermott. These were the witnesses that the said townland was to remain the property of God and of St. Berach, from O'Conor and his successors for ever."—These lay witnesses were some of the hereditary nobles of Connaught, who were generally in attendance on the king.

The same annalists, under the year 1225, mention the death of "Awliffe O'Beollain (O'Boland) erenach of Drumcliff, a wise and learned man, and a general *Biatach.*" Again in the year 1398, "David O'Duigennan, chief historian of the Clann Maoilruana, a general and select *Biatach,* and a learned and scientific man, died." Numerous similar entries might be added, but the above are considered sufficient, as well to correct the error of Cox, as to show the rank and character of the Biataghs among the native Irish.

Within the English Pale, however, the term *Biatagh* was conferred on an inferior class, namely, that corresponding to the villani or villains of the English. Thus it appears by a Statute enacted at Westminster, 5th Edw. III. and transmitted by the king to Ireland for observance, that "one and the same law shall be as well towards the Irish as the English, except the servitude of the *Betaghes* to their lords, this to be as in England, with respect to villains."—Memorand. Roll of the Exchequer, Dublin, 5 & 6 Edw. III. This was the class referred to by the Statute of Kilkenny. On the king's manors they were indiscriminately termed the "King's villains or Betaghes." Edward the IV. by letters patent, granted to Edmond Tankard "the ward of the park of Trim, and the office of sergeant of the *Betaghrie* of the same;" and by an Act of Resumption, 8 Edw. IV., it was provided that the said Act should not be prejudicial to Edmund Tankard, or to the office of sergeantie of the *Betaghrie* of the king's "Manor of Trim."—Orig. Roll.

Sufficient has been here adduced to caution the reader of our history against confounding the ancient Irish Biatagh, whose office was one of public trust and honor, with the serf or slave of the English Pale on whom that name was so preposterously conferred. For more of the latter, see Harris's Ware, vol. i. c. 20.

[d] *Enemies.* — The degeneracy, as it was

le Roy Duc[1] et lez leis Engleis illoeques sont mis en subjection et[2] retrets & les enemyes Irroies en hauser[3] & relevez[4] encontre reson nostre Seignour le Roy considerantz les mischiefs suisditz pour les grevouses pleints des communes de sa dit terre appellez a son parliament tenus a Kilkeny le Joesdy proschin apres le feste de Cendres lan de son roialme quarantisme devant son tresfame[5] filz Leonell Duc de Clarence son Lieutenaunt es parties dirland al honure de dieu et de sa gloriouse mere et[6] de seint Esglise et pour la bone[7] governement de la dit terre et giuste du people et pour les leies mult garder et les mesfesseur chasties si sont ordinez et estabiliez par nostre dit Seignour le Roy et[8] son dit lieutenant et le conseil nostre Seignour le Roy illeoques del assent des Erce-vesques Evesques Abbez et priours en ce que appertient a eux de assentez[9] Countez

1. *Due?*—2. *par.*—3. *hausez.*—4. *reules.*—5. *tresame?*—6. *a.*—7. *bone*, not in B. M.—8. *de.*—9. *assent dez?*

called, of the English colonists, occasioned the enactment of the Statute of Kilkenny, but the evil was of too long a growth, and finally became too great to yield to the proposed remedy. The ink was scarcely dry on the paper when this law was transgressed. The lords of English descent despised it, and the people, as will always be the case, followed their example. Like favourite children, they were spoiled by too much indulgence, and at last they became too powerful for control, even by the Crown.—See Davies' Historical Relations, also Harris's Additions to Ware, Ant. ch. viii. s. 3, for an enumeration of several of the English who became mere Irish, with the names which they assumed. This system continued for nearly two hundred years after our Statute. In 1536, the lord deputy and council of Ireland write thus to Henry VIII.: "Your Highnes must understande that the Inglish blodde of the Ynglish conqueste, ys in maner worn out of this lande, and at all seasons, in maner, without any restauracion, ys diminished and infeabled, some by attayndors, others by persecucion and murdering of [by] Irishmen, and some by departure from hence into your Realme of Inglande. And, contrarywise, the Irish bloode, ever more and more, without such decaies, encreasith."—State Papers, part iii. vol. ii. p. 338, London, 1834. Again, in 1537, the king's commissioners are informed that "ther is suche scarnes of th Englyshe blodde in this parties, that of force we dryven not only to take Iryshe men, our naturall enymyes, to our tenauntes and erthetyllers, but also to our houshold servauntes some horsmen and kerne."—Id. p. 481.

To remove these evils, Robert Cowley (who was soon after appointed Master of the Rolls in Ireland), in the same year, 1537, writes to his "Singular good Maister, Maister Thomas Crumwell, lord prive Seal," that "Many of the olde Statutes of Kilkeny are good to be put in execucion, both for the extincting of amyties betweene the Englishrie and the Irishrie, and thencrease and contynuaunce of Englishe maner and habite," (*Ib.* p. 499): but his advice was rejected. In fact,

riages and alliances between themselves and the Irish enemies aforesaid; whereby the said land, and the liege people thereof, the English language, the allegiance due to our lord the king, and the English laws there, are put in subjection and decayed, and the Irish enemies exalted and raised up, contrary to reason; our lord the king considering the mischiefs aforesaid, in consequence of the grievous complaints of the commons of his said land, called to his Parliament held at Kilkenny, the Thursday next after the day of Cinders [Ash Wednesday], in the fortieth year of his reign, before his well-beloved son, Lionel Duke of Clarence, his lieutenant in the parts of Ireland, to the honour of God and of His glorious Mother, and of holy Church, and for the good government of the said land, and quiet of the people, and for the better observation of the laws, and punishment of evil doers there, are ordained and established by our said lord the king, and his said lieutenant, and our lord the king's counsel there, with the assent of the archbishops, bishops, abbots, and priors (as to what appertains to them to assent to),

Ireland was, at that time, a puzzle to English statesmen, and so it appears to have continued. Among the MSS. in the Library of Trinity College, Dublin (I. 4, 12), will be found a curious account of a "Journey to Connaught," by Mr. Molyneux the Antiquary, in the year 1709. He states (at Apr. 21):

"I went to visit old Flaherty [the historian], who lives, very old, in a miserable condition at Parke, some three hours west of Gallway. . . . . In my life I never saw so strangely stony and wild a country. I did not see all this way three living creatures, not one house or ditch, not one bit of corn, nor, I may say, one bit of land, for stones; in short nothing appeared but stones and sea; nor could I conceive an inhabited country so destitute of all signs of people and art as this is; yet, here, I hear, lived multitudes of barbarous uncivilized Irish, after their old fashions, who are here, one and all, in the defence of any of their own, or even other rogues that fly to them against the laws of Ireland, so that here is the assylum. Here are committed the most barbarous murders after shipracks, and all manner of roguery's protected, that the sheriff of this county scarce dare appear on the west side of Gallway Bridge; which, tho Ireland is now generally esteemed wholly civilized, may well be called the end of the English pale, which distinction should still have place, as long as the inhabitants live with us in so open a state of nature."—"With us;" these words, and the allusion to the English Pale, are remarkable at so recent a period as the eighteenth century.

At that time, 1709, there were located in the very country so described, English, and Protestant English too, whose descendants are now "mere Irish" in manners, language, and religion. One of these, once, humorously assured the writer, that the common assertion that the king's writ did not run to the west of Galway, was not true. "It does run," said he, "Lex currit, but then it runs away." May not such a state of things, after so many centuries, be remotely traced to the famous Statute of Kilkenny, and to similar laws subsequently enacted in Ireland?

Countez Barounes & autres communes de la dit terre a[1] dit parlement illeoques esteants et assemblez les ordinaunces et articles desouts escripts a tener et garder perpetuelment sur lez peynes contenuz en ycelles.

I. Primerment ordine accorde est et estabile que seint Esglise soit franc et eit toutz ses franchises sauns emblemisement solonc les franchises ordines et graunts par nostre Seignour le Roy ou ses progenitours par estatut[2] ou ordinaunce fait en engliterre ou en Ireland avaunt ses heures et si aseun que dieu defend veigne al encontre et par le ordinarie de lieu par celle cause soit escoigne issint qui si gree ne soit fait a Dieu et seint Esglise par la partie issint escoinge[3] dedeins le mois apres tiel[4] escoingement que adonqes apres certification sur ceo fait par le dit ordinare[5] soit[6] breve maunde a viscont maier senescal de franchise ou altre[7] ministres nostre Seignour le Roy de prendre son corpus[8] et tenier en prison sanz luy mistre[9] par mainpris ou embaile tanque gree soit fait[10] a Dieu et seint Esglise nient contristant que lez quarant jours ne soit passez et que nul prohibicion de la Chauncellerie soit desormes graunte a nully suit encontre[11] la fraunchise de seint Esglise salvantz toutz foitz le droit nostre Seignour le Roy et de sa corone issint que le franchises de seint Esglise ne soit enervez ou emblemis et in case que par suggestion de partie prohibicion soit graunte que tantot monstra par le ordiner le article de la fraunchise en la[12] chauncellerie consultacion ent a luy sonz delay soit graunte.

II. Item ordine est et estabile que nul alliance par marriage compaternitie[13] nurtur de enfantz concubinance ou de caise[14] ne de altre manere desormes soit fait par entre Engloyes et Irroies de un partie ne de altre parte et que nul home Engleys ne altre persone a la pees esteant ne donne ne vende a nully Irroies en temps

1. *Avant dit.*—2. *statutz.*—3. so in copy.—4. *celle.*—5. *lettres ordinurs.*—6. *in contenant.* 7. not in B. M.—8. *corps.*—9. *mettre* in second copy.—10. not in second copy.—11. *ewite rencontre,* in second copy.—12. *chaseun.*—13. *compatree.*—14. *caif* in second copy.

[e] *Other part.*—In that very interesting and curious piece of genealogical history, "The Memoirs of the Grace Family," compiled by a distinguished member of that ancient and noble house, Sheffield Grace, Esq., it is related, that the eighth Earl of Desmond was executed for having broken his allegiance, by an Irish alliance and fosterage. On the customs of Gossipred and Fostering, see Harris's Ware, vol. ii. p. 72. In addition to the statements and authorities there given, I find on the original roll of Statutes, passed in a Parliament held at Dublin, A. D. 1466, "An Act for attainting of treason the Earl of Desmond, the Earl of Kildare, and Edward Plunket, Esq., for alliances, fosterage, and

to), the earls, barons, and others the commons of the said land, at the said parliament there being and assembled, the ordinances and articles under written, to be held and kept perpetually upon the pains contained therein.

I. First, it is ordained, agreed to, and established, that holy Church shall be free, and have all her franchises without injury, according to the franchises ordained and granted by our lord the king, or his progenitors, by [*any*] statute or ordinance made in England or in Ireland heretofore; and if any (which God forbid) do to the contrary, and be excommunicated by the ordinary of the place for that cause, so that satisfaction be not made to God and holy Church by the party so excommunicated, within the month after such excommunication, that then, after certificate thereupon being made, by the said ordinary, into the Chancery, a writ shall be directed to the sheriff, mayor, seneschal of franchise, or other officers of our lord the king, to take his body, and to keep him in prison without enlarging him by mainprize or bail, until satisfaction be made to God and holy Church, notwithstanding that the forty days be not passed; and that no probibition from Chancery be henceforth granted in any suit against the franchise of holy Church; saving at all times the right for our lord the king, and of his crown; so that the franchises of holy Church be not overturned or injured; and in case that by suggestion of the party prohibition be granted, that as soon as the articles of franchise shall be shown by the ordinary in the Chancery, a consultation shall thereupon be granted to him without delay.

II. Also, it is ordained and established, that no alliance by marriage, gossipred, fostering of children, concubinage or by amour, nor in any other manner, be henceforth made between the English and Irish of one part, or of the other part[e]; and that no Englishman, nor other person, being at peace, do give or

alterage with the king's Irish enemies, and for furnishing them with horses, harness, and arms, and supporting them against the king's loyal subjects." It was enacted, that they should forfeit all their lands, &c., with an attainder of felony of all who should not discover their (i. e. the delinquent's) goods, &c., within fourteen days after the rising of Parliament.—Orig. Roll.

So strong was the predilection of the English for fosterage among the Irish, that licenses were frequently obtained dispensing with the above section of the Statute of Kilkenny. The following, from Richard II. to the Earl of Desmond, is selected from among many. "The king having been credibly informed of the constant good repute (de bono loco continuato) which Gerald Fitz Maurice, Earl of Dessemond, held and supported, above all others of his part of Ireland, for

temps de [pees[1] ne de guerre chivaux ne armour ne nul maner de vittaile en temps de] guerre Et si aseun veigne al encontre et de ceo soit atteint eit[2] judgement de vie et de membre come traitour nostre[3] seignour le Roy.

III. Item ordine est et establie que chescun Engleys use la lang Engleis et soit

1. Not in second copy, but in B. M.—2. *soit.*—3. *a.*

fidelity to him (the king), and his liege subjects in Munster; and, on that account, and for the better preserving the peace, and the said liege people, for the future, being willing to shew him favour, did, at his request, grant him license to send his son James, to O'Konghir O'Breen of Tothemond, an Irishman, to be brought up or educated (nutriendum), and there to remain as long as he should think fit, notwithstanding any Statutes made to the contrary. Given at Scryne, the 8th December, 1388."—Patent Roll, 12 Rich. II. No. 88.

[1] *Armour.*—This enactment they considered, as it really was, an important one for the preservation of the English Pale. Although Cambrensis (Topogr. Dist. 3. cap. 10) describes particularly the arms used by the Irish at the time of the arrival of the English, as consisting of lances, darts, broad axes, and slings, to which may be added swords, shields, bows and arrows, yet it is certain that in implements of war they were far behind their Anglo-Norman invaders. If credit can be given to Maurice Regan, see his Fragment in Harris's Hibernica, Part i. p. 17, he tells us that, at the time of the invasion, "the Irish were naked and the Normans well armed." The greatest care was taken, and wisely taken, by the colonists, and that at all times, as well as by the above enactment, to prevent the Irish from being supplied with arms; and to this, perhaps, as much as to the disunion of the Irish, their frequent defeats may be attributed, and the consequent preservation of the English power in Ireland. The Four Masters relate, that in A. D. 1249, the Irish of Connaught marched to attack *Ath na Riogh* (Athenry), that the Saxons, well armed and clad in mail, sallied out of the town to meet them, and the Irish seeing the enemy drawn up in battle array and iron armour, were seized with fear, and finally routed with great slaughter and the loss of many chiefs. Also, in the decisive battle of *Drum Dearg*, A. D. 1260, long afterwards called the battle of *Down dalehglass*, now *Downpatrick*, the Irish fought at great disadvantage, being dressed in *satin shirts*, while the English were clad in coats of mail. The result was, that the former were signally defeated, and Brian O'Neil, prince of Ulster, with many other chiefs, were slain. This fact is related by Giolla Brighde Mac Conmidhe, a Northern bard, in a poem lamenting the fall of O'Neil, whom he stiles King of Tara, as follows:

Na gaill ó Lunoum ale,
Na Phubaill ó Portlairge,
Tagaid na m-broin gealgluir gairm,
Na neanglair óir ir iarainn.
Leathan do cuadar ra cath
Gall agus Gaoidil teamrach,
Lemhe caomhroill ar cloinn Cuinn,
Goill ionna naonbroin iarainn.

The Galls (*English*) from London hither,
The hosts from Waterford,
Came in a bright green body,
In gold and iron armour.

or sell to any Irishman, in time of peace or war, horses or armour[f], nor any manner of victuals in time of war; and if any shall do to the contrary, and thereof be attainted, he shall have judgment of life and member, as a traitor to our lord the king.

III. Also, it is ordained and established, that every Englishman do use the English

Unequal they entered the battle,
The Galls and the Irish of Temor,
Fair satin shirts on the race of Con (*the Irish*),
The Galls in one mass of iron.

In the year 1358, by mandates of Almaricus de sancto Amando (St. Amand), Lord Justice of Ireland, dated from Cork, 8th May, in that year, "public proclamations were made throughout Kildare, Kilkenny, Catherlagh, and Wexford, that none should assist, sell, or send *arms, horses or victuals* to Art Kavanagh Mac Murgh, Donald Revagh, or their accomplices, who were up in arms, and committed many murders, depredations, and other mischiefs in Leinster, on pain of forfeiture of all their goods, and imprisonment of those who do the same."—Close Roll, 32 Edw. III. No. 34.

But, notwithstanding all the vigilance and caution observed in this respect, arms were frequently conveyed to the Irish, particularly by merchants and others, under the pretence of trafficking beyond the Pale. To remedy this, an Act was passed in a Parliament held at Dublin, 19 Edw. IV. 1480, "that no English merchant shall carry any goods to any of the marches of *Curan, Grenard, Longford*, or to any Irish country, out of the English country, or bring in any goods of said marches, or make any concourse or resort to them, under pain of forfeiture of said goods, and their bodies to be at the king's will, and any man may arrest them and commit them to gaol."—Original Roll. This Statute, though not printed, is alluded to by Cox: "that the Pale should have no correspondence with the Irish."—vol. i. p. 173.

The strictness of the laws forbidding intercourse with the Irish, pressed severely on the inhabitants of the Pale, and not a little on the great religious houses of Dublin, "having possessions among the Irish." These laws were occasionally mitigated by licenses from the Crown, and sometimes by Acts of Parliament: thus, by an Act passed in the Parliament held at Dublin, 14 Edw. IV. A. D. 1474, reciting that Richard, Abbot of St. Thomas, near Dublin, and William, Prior of All Saints, near Dublin, and their convents, having much lands within the habitations of the Irish enemies, it was enacted, that "they may send and carry as well victuals as other necessaries to said Irish, and may let to farm and sell the profits of their possessions to such, as often as they please, and may treat and be conversant with them, as well in war as in peace, and that they may be godfathers to such, without any offence or breach of law."—Orig. Statute Roll.

To conclude, I can only here refer to Polydore Virgil's account of the Irish troops at the battle of Newark, temp. Hen. VII., "Contra, Hiberni, etsi prælium magnis animis adebant, *attamen cum patrio more nullis armis corpora tecta haberent*," &c.—Hist. Angliæ, p. 729.

soit nome par nom Engleys enterlessant oulterment la manere de nomere use par Irroies et que chescun Engleys use la manere guise monture et appareill Engleys solonc son estat et si nul Engleys ou Irroies [conversant entre Engleys use la lang Irroies[1]] entre eux-mesmes encontre cest ordinance et de ceo soit atteint soint sez terrez et tentz[2] sil eit[3] seisiz en les maines son[4] Seignours immediate

1. Not in second copy, but in B. M.—2. *rentz.*—3. *soient.* Instead of these words, "est en la main seizes et." B. M.—4. *dun.*

[g] *English name.*—To encourage the use of the English language, as well among the Irish as among the "English natives," and to abolish the Irish language altogether, were paramount objects with the government of the Pale, for three centuries after the above enactment. This policy was enforced, or rather sanctioned, by Acts of Parliament, it was provided for in royal grants, stipulated in treaties and agreements with the native chieftains, and continually enjoined by the government in England, as a measure never to be lost sight of here. All this appears throughout our original records during that period. In most grants of wardship in Ireland, particularly during the reign of James I., it was specially enjoined that the wards should be educated and brought up in the English language, habits, and religion, and that not unfrequently, under heavy penalties. This last condition was first added about that time.

With respect to "leaving off entirely the manner of *naming* used by the Irish," I find a clause which may be considered curious, merely for being so recent as the reign of James I. On 3rd April, 1622, Mathew De Renzi, a native of Germany, obtained a grant from the Crown of upwards of 1000 acres of the forfeited lands of the Irish, in the Barony of Garrycastle, King's County, to hold in soccage to him and his heirs, for ever, *provided he should not take the name, stile or title of Roirke, O'Molloy, the Fox, Mac Coghlan, or O'Doyne (Dun)*, nor receive or pay any Irish rent, taxes, or services, or divide his land according to the Irish custom of gavelkind.—Patent Roll, 20 James I. p. 1, d. 72.

There is another circumstance connected with the name of this Mathew De Renzi, which, though very different from the foregoing, I am induced to notice here. He was a man of no ordinary character, and for his merit and services received the honour of knighthood. He died in the year 1634, and was interred in the church of Athlone, where may be seen the following epitaph to his memory: "This monument was erected for the right Worshipful *Mathew De Renzie, Knight*, who departed this life 29th August, 1634, being of the age of 57 years. Born at *Cullen* in *Germany*, and descended from the family and renowned warrior, *George Castriot*, alias *Scanderbeg;* who, in the Christian wars, fought 52 battles with great conquest and honour against the great Turk. He was a great traveller and general linguist, and kept correspondency with most nations in many weighty affairs, and in three years gave great perfection to this nation, *by composing a grammar, dictionary, and chronicle in the Irish tongue:* in accounts most expert, and exceeding all others for his great applause.

English language, and be named by an English name[g], leaving off entirely the manner of naming used by the Irish; and that every Englishman use the English custom, fashion, mode of riding and apparel[h], according to his estate; and if any English, or Irish living amongst the English, use the Irish language[i] amongst themselves, contrary to this ordinance, and thereof be attainted, his lands and tenements, if he have any, shall be seized into the hands of his immediate lord, until

This work was accomplished by Mathew De Renzie, his son, August 29th, 1635." This Mathew, the son, lived late in the seventeenth century. His descendants are, I am informed, opulent and respectable at the present day; and perhaps, among them may be found the *grammar, dictionary, and chronicle*, in the Irish tongue, above alluded to.

[h] *Apparel.*—For the dress of the ancient Irish, see the satisfactory chapter, No. xxiii. in Ware's Antiquities, Harris, vol. i. p. 174. In a Parliament held at Trim, an. 25 Hen. VI. A. D. 1447, by John Talbot, Earl of Shrewsbury, Lord Lieutenant of Ireland, the following Act was passed: "As there is no diversity of habit between the English marchers and Irish enemies, by colour of which the Irish enemies come into the English counties as English marchers, and robb and pillage on the high way, and destroy the common people by lodging on them by nights, and slay the husbandmen, and take their goods to the Irish: it is enacted, that he that will be taken for an Englishman shall not use a beard upon his upper lip alone, and that the said lip shall be once shaved, at least in every two weeks, the offender to be treated as an Irish enemy."—Original Roll. This Act was not repealed until A. D. 1635.

For a curious portrait of an Irishman, with "a beard upon his upper lip alone," see Ware, De Hibernia et Antiquitatibus ejus, 8vo. p. 59, Londini, MDCLIV.

[i] *Irish language.* This was a severe law against the Irish dwelling amongst the inhabitants of the Pale, and, if strictly enforced, must have proved a fruitful source of revenue to the "immediate lords." The ancient natives were universally prejudiced against the dialect of the colonists; insomuch that any of them known to speak what they then termed the rude jargon of the foreigners, seldom escaped a reproachful nickname. Thus, the head of a powerful tribe of the Mac Dermots of Moylurg in Roscommon, was called *Dermot na n-Gall* (of the English), an appellation by which his descendants were long afterwards distinguished from other families of that name.

The failure of this anti-Irish enactment proves what little influence such laws have upon mankind in any state of society. Many great lords of English extraction rejected the language of their ancestors altogether, and it is related that some of them, though they could speak Latin and Irish, were wholly ignorant of English. Long after this, when an Irishman could speak English, it was considered so unusual as to call for particular notice. Thus, when O'Conor Roe came in and submitted to the Lord Deputy Grey, in A. D. 1538, "he was accompanied by the prior of Roscommon, *who spake good English.*"—See Lord Grey's letter to Henry VIII. 26th July, 1538.—State Papers, vol. ii. London, 1834.

mediate tanque qil veigne a un des places nostre Seignour le Roy et trove sufficient seurtee de prendre et user la lang Engleis et adonques[1] eit restitution de sez ditz terres par breve jussiz hors de la dit placis en cas que tiel person niet terres ne[2] tentez soit son corps pris par ascuns de ministres[3] nostre Seignour le Roy et maunde a la proschin gaole illoeques a demeurer tanque qil ou autre en son nome trove sufficiant suretee en la manere suisdit Et que null Englois quaver le valour de c[li] de terre ou de rent per anchavauche[4] autrement qen seale enguize de Anglois et celluy que fera le contrarie et de ceo soit atteint soit son[5] chival forfaiet a nostre Seignour le Roy et son corps a la prison tanque qil face fine a la volonte du Roy pour le contemp susdit et auxiant que les beneficers de seint Esglise conversantz entre Anglois use la langue Engleis et sils ne facent eint leur ordinaries les issues de leur benefices tanque ils usent la langue

1. Not in B. M.—2. *ny rente.*—3. *de.*—4. *par an chavauche.*—5. *dun.*

[k] *One of the places of our lord the king*, i. e. one of his courts of justice.—An historical account of the rise, progress, and constitution of the courts of justice, both law and equity, in Ireland, from the time of the arrival of the English, including, also, the Courts of Star-chamber, Wards and Liveries, Claims, &c. (and for which there is abundance of recorded materials, if collected with care, and arranged with judgment), would form an important addition to our national history. It is many years since I suggested this to an old and learned friend, the late Bartholomew Duhigg, Esq., Barrister, and author of the "History of the King's Inns," who fully approved of the suggestion; and, it is probable, would have carried it into execution, if not then too far advanced in life. And here, though out of place, I venture to adduce, without intending offence, the opinion of a gentleman of much forensic experience, that the time, talents, and learning of many of our young barristers might be as usefully, and perhaps as profitably, employed on works of this kind, as on those numerous and ever-varying treatises of law-practice, cases, rules, tithes, magistrates, &c., which annually appear, and fall "*dead born from the press.*"

[l] *Saddle.*—Cambrensis states, Top. Hib. dist. iii. c. 10, that the Irish did not use saddles, "sellis equitando non utuntur." See also Ware, Ant. Hib. cap. xii. Lond. 1654. A French poet, who narrated the History of the Deposition of King Richard II. in French verse, describes the great Irish chieftain, Art Mac Murrough, as *riding without a saddle*, at his celebrated interview with the Earl of Gloucester, to agree on terms of treaty and submission to the king. The passage, which is also curious in other respects, is as follows, in Archæologia, vol. xx. p. 305, Lond.

"Entre deux bois, assez loing de la mer,
Maquemore la montaigne avaler
Vy, & dirloiz, que pars ne scay nombrer,
Y ot foison.
Un cheval ot sans sele ne arcon.

until he shall come to one of the places of our lord the king[k], and find sufficient surety to adopt and use the English language, and then he shall have restitution of his said lands, by writ issued out of said places. In case that such person shall not have lands or tenements, his body shall be taken by any of the officers of our lord the king, and committed to the next gaol, there to remain until he, or some other in his name, shall find sufficient surety in the manner aforesaid: And that no Englishman who shall have the value of one hundred pounds of land or of rent by the year, shall ride otherwise than on a saddle[l] in the English fashion; and he that shall do to the contrary, and shall be thereof attainted, his horse shall be forfeited to our lord the king, and his body shall be committed to prison, until he pay a fine according to the king's pleasure for the contempt aforesaid; and also, that beneficed persons of holy Church, living amongst the English, shall use the English language; and if they do not, that their ordinaries shall have the issues of their benefices until they use the English language in the

Qui lui avoit couste, ce disoit on,
Quatrecens vaches, tant estoit bel et bon;
Car pou dargent
A ou pais, pour ce communement
Marchandent eulx a bestes seulement:
En descendant couroit si asprement
Qua mon advis
Oncques maiz jour de ma vie ne vis
Courre si tost lievre, cerf ne brebis,
Nautre beste, pour certain le vous dis.
Comme il faisoit.
En sa main dextre une darde portoit
Grant et longue, de quoy moult bon gettoit."

"Between two woods at some distance from the sea, I beheld Macmore and a body of the Irish, more than I can number, descend the mountain. He had a horse *without housing or saddle*, which was so fine and good, that it cost him, they said, 400 cows, for there is little money in the country, whereof their usual traffic is only with cattle. In coming down it galloped so hard, that, in my opinion, I never in all my life saw hare, deer, sheep, or any other animal, I declare to you for a certainty, run with such speed as it did. In his right hand he bore a great long dart, which he cast with much skill."—Translation by Webb, Id. p. 39. See also Carew's Translation in Hibernica, by Harris, part i. p. 53.

The English of the Pale adopted this old Irish custom of riding without saddles. Hence the above law against it, "which was penal only to Englishmen, and not to the Irish."—Davies. And it appears that this important point of legislation gave much subsequent uneasiness to their rulers, for I find numerous, though ineffectual, Acts and orders against it, for the two succeeding centuries. Even so late as A. D. 1534, in King Henry the Eighth's anomalous "Ordinances for Ireland," it is enjoined, "that every Gentylman of thInglyshrie which may dispende £20 by the year, shall ryde in a *saddell* and weare Inglyshe apparel."—State Papers, vol. ii. p. 216, Lond. 1834.—See also "Irish Minstrelsy," vol. ii. p. 155, Lond. 1831.

langue Angloise en le maniere susdit et eient respit de la langue Engloise apprendre et de celles[1] purvier entre cy et le feste seint Michael prochin avent.

IV. Item pour ceo que diversite de gouvernaunce et diverse lois en une terre fait diversitie de liegaunce et debats entre le peuple accorde est et establi que nul Englois aiant debates ou aultre Englois desormais fare[2] namer[3] preigne gage distresse ne vengeaunce sur autour dounc le peuple pourra[4] estre trouble mes suyent vers autres a la comune loi et que nul Englois soit reule en diffinition de lour debats par lei de Marche ne de Breon que par raison ne doit estre nome

1. *Selles.*—2. *face?*—3. *ne.*—4. *puissant.*

[m] Part of this section is thus rendered by Davies: "Item, forasmuch as the diversity of government, by divers laws in one land, doth make diversity of ligeance and debates between the people, it is accorded and established, that hereafter no Englishman have debate with another Englishman, but according to the course of the common law; and that no Englishman be ruled in the definition of their debates by the *March law*, or the *Brehon law*, *which by reason ought not to be named a law*, *but an evil custom*, but that they be ruled as right is, by the common law of the land, as the lieges of our Sovereign lord the king, and if any do to the contrary, and thereof be attainted, that he be taken and imprisoned, and judged as a traitor: and that hereafter there be no diversity of ligeance between the English born in Ireland, and English born in England, but that all be called and reputed English, and the lieges of our sovereign lord the king," &c.—Discovery, p. 95.

[n] *Brehon law.*—The English of the Pale had long before this time, and in numerous instances too, preferred and adopted the *Brehon* law, but their so doing was not until now declared high treason. On a Memoranda Roll, 25 and 26 Edw. III. preserved in the Exchequer, Dublin, I find "Ordinances" of that king (not noticed in the "Statutes of the Realm," Lond. 1810, although other "Ordinances" of Edw. III. for Ireland, are there given), reciting, "Whereas, *heretofore*, by reason of debates between English and English, they *have used* to be governed by the law of the *Marches*, and of *Brehon*, which is not law, nor ought to be law: it is accordingly ordained, that neither be henceforth held between them."

The Book of Clonmacnoise, translated, A. D. 1627, by Connell Mac Geoghegan, whose translation is preserved in the MS. Library of Trinity College, Dublin, thus records the death of one of the principal Irish Brehons, A. D. 1317, "*Moyle Issa Roe Mac Kiegan* (*Egan*), the best learned in Ireland in the *Brehon law*, in Irish called Fenecup, died." To this the translator adds the following note:

"This *Feuechus* or *Brehon law* is none other than the sivill law, which the *Brehons* had to themselves, *in an obscure and unknown language*, which none could understand except those that studied in the open schools they had, whereof some were judges, and others were admitted to plead as barresters,

the manner aforesaid; and they shall have respite in order to learn the English language, and to provide saddles, between this and the feast of Saint Michael next coming.

IV.[m] Also, whereas diversity of government and different laws in the same land cause difference in allegiance, and disputes among the people; it is agreed and established, that no Englishman, having disputes with any other Englishman, shall henceforth make caption, or take pledge, distress or vengeance against any other, whereby the people may be troubled, but that they shall sue each other at the common law; and that no Englishman be governed in the termination of their disputes by March law nor Brehon law[n], which reasonably ought not

and for their fees, costs and all, receaved the eleventh part of the thing in demand of the party of whom it was ordered: the loozer paid noe costs. The *Brehons* of Ireland were divided into severall tribes and families, as the *Mac Kiegans* (*Egans*), *O'Deorans*, *O'Brisleans*, and *Mac Tholies*. Every country had his peculiar *Brehon* dwellinge within itselfe, that had power to decide the causes of that country, and to maintain their controversies against their neibor-contries, by which they held their lands of the lord of the contry where they dwelt. This was before the laws of England were of full force in this land, and before the kingdom was divided into shires." In addition to the Brehon families above enumerated, there were also those of *Mac Firbiss*, of the north of Connaught; *Mac Clancby*, of Thomond; *O'Kelly*, in Hy-Mania. The *O'Mulcaills* or *Maelamphills* are mentioned as the Brehons or Judges of *O'Flaherty*, chief of Iar-Connaught. Every Irish district had its hereditary Brehon. These districts are thus described in A. D. 1515: "There byn more than 60 countries called Regyons in Ireland, inhabytyd with the king's Irishe enymyes, some region as bygge as a shyre, some more, some lesse unto a lytyll; some as bigg as half a shyre, and some a lytyll lesse, where reygneith more then 60 chyef capytaynes, wher of some callyeth themselffes *Kynges*, some *Kyng's peyres* in their langage, some *Prynceis*, some *Dukes*, some *Archedukes*, that lyveth onely by the swerde, and obeyeth to no other temperall person but onely to hims lfe that is stronge; and every of the said capytaynes makeyth warr and peace for hymself, and holdeith it by swerde, and hath imperyall jurysdiction within his rome, and obeyeth to noo other person, Englyshe ne Iryshe, except only to suche persones as may subdue hym by the swerde."—State Papers, Lond. 1834, part iii. vol. ii. This, it must be confessed, is rather a formidable description of the "mere Irish," so late as A. D. 1515, all of whom were exclusively governed according to the Brehon laws; and as "every country had his peculiar Brehon," therefore, there must have been "more than 60" chief Brehons among them.

But the "degenerate" English also, outside the Pale, notwithstanding the Statute of Kilkenny, almost universally adopted the Brehon law. Of this I shall here adduce a single example out of many. It is well known, that Robert le Poer (*Power*), one of the ten

nome lei eins malveis custume mez soient reulez come droit est par comune lei de la terre come les liges nostre Seignour le Roy et si ascuns face a le encountre et de ceo soit atteint soit pris et emprisone et juge come Traitor et que nul diversitie de ligeance desormes soit fait entre les Englois nees en Irelande et les Engleis nees en Engleterre appellantz Englishehobbe ou Irishdogg mes toutz soient appellez par un noun les Engleis liges nostre Seignour le Roy et celluy que sera trove alencountre soit puniz par imprisonement dun an et puis reint a la volunte du Roy et par cest ordonance il nest lentent nostre Seignour le Roy quil list a chescun quil pouira prendre distresse pour service et Rentz a eux denez[1] et pour damage fessant come la comune ley demaunde.

V. Item pour ceo que la lieg people nostre Seignior le Roy de sa terre dirland ne les guerres de mesme la terre ne pourront raisonablement governez saunz raisonablement ordener la vent des vitailles ordonne est et establie que merchandisez que sont venus ou vendront a la dit terre par[2] quelconques merchantes et quel port ville ou cittie qilz arreverent que avant ces que les ditz marchandises

1. *Denez.*—2. *et*, second copy.

English adventurers among whom "all Ireland was cantonized" in the time of Henry II. (see Davies, p. 108), obtained the territory of Waterford, the city itself and the cantred of the Oost-men only excepted. The following extract from an unprinted Act of a Parliament held at Drogheda, in the 16th year of Edward IV. A. D. 1476, will show how this adventurer's descendants "degenerated." "Whereas Richard Power is sheriff of the county of Waterford, and has been so for more than twenty years past, and he out of his insatiate malice, as an enemy to God, and a rebel to the king, has by himself and people and other rebels, made assault on the mayor, bailiffs, and commons of Waterford, both by sea and land, *murdering and slaying* divers of the citizens, *and spoiling and robbing* them of their goods, and has put many of them to fine and ransom, and not only the citizens, but also *foreigners* resorting to the city for trade, as *English, French, Spaniards, Portugals, Britains, and Flemings*, to the utter destruction of the said city: and as in all the countries round about said city there live no lords, gentlemen nor commons, arrayed in English habit, nor submitting to the king's obedience, nor governed by his laws, but only *the wicked and damnable law called Brehon law*, contrary to divers Statutes made against Brehon law. And as about the said city there is no rule or government, but *murder* and *spoiling*, *robbery* and an *universal rebellion*; therefore, it is enacted, that the mayor and common council of Waterford, for the time being, shall from henceforth have the full election of a sheriff of the county of Waterford for ever, annually, and that said Richard Power shall, from this time, be entirely divested of the said office."—Original Roll.

not to be called law, being a bad custom; but they shall be governed, as right is, by the common law of the land, as liege subjects of our lord the king; and if any do to the contrary, and thereof be attainted, he shall be taken and imprisoned, and adjudged as a traitor; and that no difference of allegiance shall henceforth be made between the English born in Ireland, and the English born in England, by calling them English hobbe[o], or Irish dog[p], but that all be called by one name, the English lieges of our Lord the king; and he who shall be found [*doing*] to the contrary, shall be punished by imprisonment for a year, and afterwards fined[q], at the king's pleasure; and by this ordinance it is not the intention of our Lord the king [*but*] that it shall be lawful for any one that he may take distress for service and rents due to them, and for damage feasant as the common law requires.

V. Also, whereas the liege people of our lord the king of his land of Ireland, or the wars of the same land cannot reasonably be controlled, unless the sale of victuals be reasonably regulated, it is ordained and established as to the merchandizes which are come, or shall come, to the same land by any merchants, and at whatever port, town or city they shall arrive, that before the said merchandizes

[o] *English hobbe.*—A "clown or country fellow."—World of Words. Davies in Brit. Dict. explains Hob by *Sus, Porcus.* It appears, also, to have been a common Christian name among the peasantry in England, and is, therefore, often used to signify a clown, a countryman.—See Nares's Glossary, in v. *Hob.* This term is different in meaning and derivation from the old word *Hobbie*, a name given to a species of light Irish horses. "Equi quos Hobinos sive *Hobbyes* vocant, ob mollem gressum, magno in pretio habiti. Ab hoc equi genere equites quidam levis armaturæ dicti sunt *Hobellarii.*"—Ware, Antiq. cap. vii. "The horses called *Hobbies*, formerly held in high esteem for their easy *Amble*, and from which the Irish light-armed bodies of horse were called *Hobellers.*"—Harris, vol. ii. chap. xxii. "The Irish Hobilers were so denominated from the Belgic *Hobbelen*, to skip or dance, from the short, quick step of their light horses."—Anthol. Hib. vol. i. p. 105. See also, Spelman, 354, who refers to Ann. 18 Edw. III. stat. ii. cap. 7, and Ann. 25 Edw. III. stat. v. cap. 8.

The "English hobbe" plainly indicates the class of English who annually came over to colonize the Pale. Their morals and manners may appear in the sequel.

[p] *Irish dog.*—From this term of reproach, the contempt with which the successive new comers from England habitually treated the descendants of the previous settlers, is manifest. They hated each other as cordially as both hated the Irish, until all gradually became one people.

[q] *Fined.*—See Stat. of Westminster, i. s. 4, "E reint a la volunte le Rey:" and make fine at the king's will.—Statutes of the Realm, p. 28.

chandises soient mys a vent que le maire suffreyn Baily ou autre ministre que est[1] le garde de le lieu ou lez ditz merchandises serront veinduez facent venir devaunt eux deux de les pluis prode homes & sufficeantes de mesme le lieu que ne mellent riens de teux merchandises et le dit maier seneschall suffrein ou Baily ove[2] lez ditz deux personnes facent vener devant eux les merchauntz a quex les ditz merchandisez sont et les marriners & soient jurretz de loyalment dire et mustrer de fiere de la primer acat de lez ditz merchaundisez et de costages sur ycelles tanque a porte et sur ceo par lez ditz maire seneschalls Baily ou provost et lez deux prode homes avauntditz soit raisonable pris mis sur les ditz merchandises sauns favour come ils pourroit[3] alvouer devaunt le conseil nostre Seignour le Roy celles parties et a tieux prieses soit venduz sans pluis prendre sur forfaitour de yicelles coment que lez ditz merchandises Illeoques deveignement a chars apres.

VI.

1. *Eit.*—2. *que*, second copy.—3. *purroient*, id.

[1] *Seneschal.*—This officer is not mentioned before, and *Provost* occurs for the first time in the next sentence.

[2] *A reasonable price.*—I have not been able to find any authentic record of the prices of corn, or other commodities in Ireland, at the time of this enactment, or indeed for a considerable period after. Bishop Fleetwood, in his *Chronicon Preciosum*, p. 96, sets down, "In 1349, corn so plentiful and other provisions, that wheat was, by the quarter, at 2*s*." This was in England, where a dreadful pestilence raged that year (see Henry's Hist. vol. iv. p. 500), which caused corn to be so cheap. The Bishop continues: "a fat ox at London for 6*s*. 8*d*.—Antiq. Britan. In 1359, wheat very dear, a quarter at £1 6*s*. 8*d*.—Fabian. In 1361, wheat so cheap, that a quarter was at 2*s*.—Monast. v. 2. Two hens for a penny. In 1363, a widow is to pay 4 hens, or in money 4*d*. 12 hoggs at 18*s*. each hogg at 1*s*. 6*d*.—Kennet's Paroch. Ant. Yet wheat so dear, that Walsingham says, a quarter was at 15*s*. In 1369, Walsingham says, there was such a dearth, that wheat was sold by the quarter, at £1 4*s*., according to Stow £1, barley at 16*s*. 4*d*., oats at 8*s*. In 1379, wheat so cheap that the quarter was at 4*s*.; white wine was sold by the gallon for 6*d*.; red wine by the gallon at 4*d*.—Stow." Notwithstanding the fluctuation here observable, it is curious to find that in 1463, at London, wheat was by the quarter 2*s*., the same price for which it was sold near a century before; barley the quarter, 1*s*. 10*d*.; pease the quarter, 3*s*. 4*d*.; oats the quarter, 1*s*. 2*d*. At Norfolk they were still lower. At the close of the fifteenth century, Bishop Fleetwood observes, "it is not for want of pains that you have no fuller accounts of these foregoing forty years; for I think, few publick books have escaped my diligence, and my private ones have proved as barren. And so it will be for the forty years and more that follow; our *chroniclers* wanted the care and observation of their predecessors; *and setting up for politicians*" [how like later times this]

chandizes be put up to sale, the mayor, sovereign, bailiff, or other officer who shall have care of the place where the said merchandizes shall be sold, do cause to come before them two of the most respectable and sufficient men of the said place, who meddle not in such merchandizes, and that the said mayor, seneschal, sovereign or bailiff, with the said two persons, do cause to come before them the merchants to whom the said merchandizes shall belong, and the sailors, and they shall be sworn truly to tell and show the amount of the first purchase [*prime cost*] of the said merchandizes, and of the expenses on them to the port, and thereupon that a reasonable price[s] be put upon the said merchandizes by the said mayor, seneschal, bailiff or provost, and by the two discreet men aforesaid, without favour, as they may be able to vouch before our lord the king's council of these parts; and at such prices they shall be sold, without more being taken for them, upon forfeiture of the same, although the said merchandizes should have there become chargeable afterwards.

VI.

"*quite neglected* (as they thought them) *lesser matters.*"—Chronicon Preciosum, 113.

In Ireland, i. e. in Dublin and the Pale, prices were regulated A. D. 1470, by an Act of a Parliament, held at Dublin, 10 Edw. IV. As this Parliament has been passed over by Ware and Cox, and the Act alluded to has never been printed, I have been induced to make the following extract: "Whereas, by authority of this Parliament, the double, demy-double, gross, demy-gross, denier, and demy-denier *are diminished half*" [viz., by an Act of Parliament which may be seen printed in Simon's Essay on Irish Coins, Appendix, x.], "which may be of great damage to all the king's subjects, if all manner of corn, victuals and merchandizes be not made to accord: It is enacted, that every man shall sell at the following prices, viz.: the peck of wheat for 16 pence, or under; of oats 4*d.*; of barley, 8*d.*; de blee de frument (meal of wheat) 20*d.*; de blee de avenes, 6*d.*; de blee de dregge, 10*d.*; of beans, 7*d.*; of rye, 8*d.*; of pease, 7*d.* A barrel of herrings, 6*s.* 8*d.*; a mease of red herrings, 4*s.*; an ox, 10*s.*; a cow of the better sort, 6*s.* 8*d.*; a mutton, 8*d.*; a hog of the better sort, 3*s.* 4*d.*; a goose, 3*d.*; a pig (porcelle), [ ]; a couple of capons, 4*d.*; a peck of salt, 8*d.*; a peck of coals, 6*d.*; a pound of iron (*de ferres*), 10*d.*; a yard of coarse cloth, 2*s.*; a pound of wool, 18*d.*; a yard of frize of the better sort, 6*d.*; a hide in the hair, une quire tresse paie, 10*d.*; a hide tanned, une quire tanne paie, 20*d.*; a pound of tallow, 6*d.*; a pair of shoes (*soulers*), of the better sort, 4*d.*; a pair of shoes for women, 2*d.*; half a gallon of the best beer, 1½*d.*; a gallon of Rochel wine, 6*d.*; a gallon of Gasconie wine, 8*d.*; a hundred of white yarn, 30*s.*; a hundred of gray (grisse) yarn, 23*s.* 4*d.*; drape line nient lac, 13*s.* 4*d.*; every man who buys or sells any of said goods at a higher price, shall forfeit 20*s.* This Act to continue for three years. Two Commissioners to be appointed in every barony to search and examine the haggards, and to order the corn and

VI. Item pour ceo que terre qest en guerre busoigne que chescun sa faceable pour son defende ordeignest et establie que les comunes de la dit terre dirlande quest en diverse marches de guerre ne usent desormes les Jues que homes appelles horlings en grand bastons a [ ] sur la terre dont graundes males et maymes sont avenuz en enfeblement de la defence de la dit terre et alters Jues que homes appellent coitinge einz se afforcent et addressent d'user et treer les arkes et jettyr les launces et altres gentils Jeuyes que appertinent as armes dont les Irroies Ennemyes par[1] les liges et comunes celles parties puissent meoltz estre arrestus Et si auscun face ou use le contrarie et de ceo soit atteint soit prise et emprisoun et reint a la volunte nostre Seignour le Roy[2].

VII.

1. *Et*, second copy.—2. *du roy, id.—de sa Matie*. B. M.

victuals to be brought to the common market, to be sold according to the aforesaid prices." —Orig. Roll.

Before the expiration of the time limited for the duration of this Act, it was repealed, in the next Parliament held at Dublin, A. D. 1472, 11 & 12 Edw. IV. "it having been," as the repealing Statute states, "put in execution *to the intolerable damage of the subjects*." —Orig. Roll. So true is the observation of Bishop Fleetwood, made on a similar occurrence: "But notwithstanding this *Act of Parliament*, things could not be purchased at these rates, for people would not bring them to market (*and that is a thing that Parliament cannot remedy*), and so the king was fain to revoke the former Act, and leave people to sell as they could, *for a trade will do as it can, and never be forced one way or other*."—Chronicon, p. 90. In Ireland the extraordinary reduction of the coinage at the time, occasioned the foregoing legislative interference with the markets of the Pale, beyond the limits of which it had no influence whatever.

And here I make bold to refer the curious in investigations of this nature, to a copious source of unexplored information, viz., the old original wills preserved in our various Diocesan Registries. In the office of the Consistorial Court of Dublin, these records of mortality are carefully kept, from the early part of the sixteenth century; and, under an obsolete rule relating to inventories, the more ancient wills generally contain the prices or value of most testatorial goods. For example, in one recently looked into, I find, "8 garrans valued at 4 marks; 8 kyne, 4 marks; 4 boloks, 13*s*. 4*d*.; 3 vitulos, 5*s*.; 16 sheep, 16*s*.; 15 lambs, 15*s*.; duas patenas eneas, 40*s*.; 2 pots of brass, 40*s*."—Original will of Thos. Adamporche, 4th July, 1556. To my excellent friend, John Samuels, Esq., Registrar of that Court, I am indebted for the perusal of these curious documents.

[t] *Horlings*.—This prohibition must have pressed heavily on those rustics of the Pale alluded to in note [o], who, it may reasonably be supposed, were ignorant of any modes of recreation superior to the appropriate rural exercises above interdicted. But, for this enactment the legislators of the Pale had weighty reasons. The policy of cultivating the use of arms within their limits was wise, and indeed indispensable for the safety of the

VI. Also, whereas a land, which is at war, rẽquires that every person do render himselfe able to defend himself, it is ordained, and established, that the commons of the said land of Ireland, who are in the different marches at war, do not, henceforth, use the plays which men call horlings[1], with great sticks [*and a ball*] upon the ground, from which great evils and maims have arisen, to the weakening of the defence of the said land, and other plays which men call coiting; but that they do apply and accustom themselves to use and draw bows, and throw lances, and other gentlemanlike games, whereby the Irish enemies may be the better checked by the liege people and commons of these parts; and if any do or practise the contrary, and of this be attainted, they shall be taken and imprisoned, and fined at the will of our lord the king.

VII.

colonists. Moreover, it appears, that in England a similar line of policy had been adopted much about the same period. Of this many instances may be seen in Rymer's Fœdera. A. D. 1363, Ed. III. issued mandates to all the sheriffs of the realm, reciting that "in former times the people of our kingdom, at their hours of play, commonly exercised themselves in *archery*, from which was derived both honour and advantage. But now that art is neglected, and the people spend their time in *throwing stones, wood*, or *iron*, in playing at the *hand-ball, foot-ball*, or *club-ball*; in *bull-bating* and *cock-fighting*, or in more useless or dishonest games."—Rymer, tom. vi. p. 417. The foregoing is the version given by Henry, in his History of England, vol. iv. p. 415, Dub. Ed. 1789. The latter part of the passage is as follows in the original: "Et jam dictâ arte quasi totaliter dimissâ, idem populus ad *jactus lapidum, lignorum et ferri*, et quidam ad *pilam manualem, pedicam* et *baculareum*: et ad *canibucam* et *gallorum pugnam*; quidam etiam ad alios ludos inhonestos et minus utiles, aut valentes se indulgent." The diversions here enumerated were prohibited "sub pœna imprisonamenti." On this model the law of the Pale was framed, and a tyrannical law it must be considered, to fine and imprison poor "English" clowns "born in Ireland" for not using "gentlemanlike games," such as drawing bows and throwing lances. But neither the royal mandates, nor the Kilkenny Statutes, could avail. Archery decayed, and old Holinshed thus sore lamenteth its golden days. "Cutes, the Frenchman and Rutters, deriding, &c., will not let, *in open skirmish*, to *turn up their tails* and cry, *Shoote Englishmen!* and all because our strong shooting is *decayed and laid in bed*; but if some of our Englishmen now lived, that served Edward III. the *breech* of such a *varlet* should have been nailed to him with an arrow, and another feathered in his bowels." Who can refuse honest Holinshed praise for this spirited burst of indignant feeling? However, *horling and coiting* at length triumphed over archery. Even kicking the ball has survived another royal antagonist, James I., who, Solomon-like, wisely cautioned his eldest son, Henry of Wales, against the "foote-balle, as meeter for laming than making able the users therof."—See his "Rules," &c., respecting the Recreations of the Prince.

VII. Item pour ceo que par [a]conspiracies confedroicies, champerties, mainteignors de quarell falx jurrours receyvours[1] damppertes en quarells les lieges comunes

1. *Retenours*, second copy.

[a] *Conspiracies, &c.*—This section presents a gloomy, or, to use its own word, a "horrible" picture of the state of society within the Pale at this period, and yet it gives not half the portrait. The entire may be drawn from coeval original sources of the highest authority. By one of the ordinances, 25 & 28 Edw. III. already quoted, note [n], "It is ordained that no Englishmen, being common malefactors, or common robbers, nor barreters shall be maintained [i. e. supported, protected, encouraged], by any person *of the King's Court;* nor by the great nor little of the land, on the peril that attends the same."—Original Roll. This may be called the criminal side of the picture, the other the civil. If such was the state of public morals within the Pale at the time of the enactment of the Statute of Kilkenny, it will be found not to have improved afterwards. Robbery prevailed much, about this time, in England, but the most conspicuous offenders, and those who struck the greatest terror into the minds of the people, were from Ireland, and particularly from the Pale. This appears from the English Statute, 1 Henry VI. ch. 3, A. D. 1422. "Item pur tant que diverses homicides murdres rapes roberies et autres felonies riotes conventicles et malefaitz jatarde ount estez faitz en diverses Countees Dengleterre, par gents *neez en Irlande* reparantz a le ville de *Oxenford* et illoeques demurrantz desoutz la jurisdiccion de Universite Doxenford, a grande poure de toute manere poeple demurrant le environ come par toute la comune du roialme assemblez en cest parlement fuist grevousment de ceo compleint en le mesme; le Roy del assent avauntdit et a la requeste de mesme la comune ad ordeinez, que *toutz gentz neez en Irland soient voidez hors de Roialme* dedeins le mois prochein apres le proclamacion fait de ceste ordinance, sur peine de perdre lour biens et destre emprisonez a la voluntee du Roy." "Item, forasmuch as divers manslaughters, murders, rapes, robberies, and other felonies, riots, conventicles, and (divers other) offences now of late have been done in divers counties (of the realm) of England, by people *born in (the country of)* Ireland, repairing to the town of *Oxenford*, to the great fear of all manner of people (in the realm of England) dwelling thereabouts, as by all the commons of the same realm assembled in (the said) parliament, it was grievously complained; (our said lord) the king by the assent aforesaid, and at the request of the same commons, hath ordained (and stablished) that *all people born in Ireland shall depart out of the realm* within a month after proclamation made of this ordinance, upon pain to lose their goods, and to be imprisoned at the king's will."—Statutes of the Realm. The exceptions are many and curious; and the entire shows that the depredators were "English born in Ireland," for it must be remembered that the "mere Irish" could have had little or no intercourse at the time with England.

The depravity described generally in these documents might be particularly exemplified by numerous examples. One, however, must here suffice, viz., an Act not hitherto printed, passed in the Parliament held at Drogheda, A. D. 1460, 38 Hen. VI. before Richard,

VII. Also, whereas by conspiracies[u], confederacies, champerties, maintainors of quarrel, false swearers, retainers, sharers of damages, the liege commons of the

Duke of York.—9. Likewise, at the request of the commons, that whereas, *Thomas Bathe, knt.* pretending himself to be Lord of Louth, wherein he hath no title of inheritance, compassing in his memory some method whereby he might be coloured in favour with our Sovereign lord the king, departed into England, and there, of infinite and mere malice, caused one of his servants to imagine and propose an appeal against *Master John Stackbolle* (Doctor of each degree), of high treason: whereupon he was attached and imprisoned in the Castle of Dublin, and from thence sent into England, where he was heard, delivered, and enlarged to his freedom and liberty, according to the law. And then the said Sir Thomas, not ceasing from his said malice, despoiled and robbed the goods of the said Master John: whereupon he (Master John) being in despair of any remedy against the extortion, violence, and oppression of the said Thomas, and of any restitution of his said goods, whereof he was by him despoiled, sent to our most holy father the Pope, at the Court of Rome, for his bull directed to Edmond, formerly Bishop of *Mithe*, to denounce the said Thomas excommunicated, unless, within a certain time limited, he should restore the said goods; the which he disobeyed in great contempt of the Church of God, and of his ministers thereof. Whereupon, the said Bishop, in execution of the command of our most holy father, at *Novan*, upon a market day there, kept, in solemn procession in the said market, excommunicated the said Thomas for the said contempt; pronouncing openly against him, the psalm of David, *Deus laudem;* and, moreover declaring, decreeing and adjudging, that in any town into which the said Thomas should thereafter chance to come, in which there was any church, no baptism or burial should be had, or mass sung or said, within three days after his residence there; in the which excommunication the said Thomas still remains, continuing in his malicious, inhuman, and diabolical obstinacy against the Church of God: and not yet content nor satisfied of the intent and gratification of his said malice, caused certain of his servants to go to the Abbey of *Novan*, where the said Master John was, whom, out of the Church of our Blessed Lady there they took, violently carrying him thence to *Wilkinston*, holding him in prison there, where they *cut out his tongue*, and in their estimation, intention, and purpose, *put out his eyes;* the which, so done, he was again carried to the said church, and cast there before our said Blessed Lady, by the grace, mediation, and miraculous power of whom he was restored his sight and tongue; whereupon, the premises considered, it is ordained, granted, and established in the said Parliament, and by authority thereof, that for the undue and inordinate presumption of the said Thomas, and for the consideration of his disloyal and horrible demerits in other the premisses, to the displeasure of God without doubt, a proclamation be made in the said Parliament, two several days together, that the said Thomas shall appear before the said right and puissant prince, wherever he shall be in the said land, the Tuesday next before the Feast of St. Patrick next coming, to answer to the premisses; and if he make default, and shall not appear, that then, by the said

comunes de la dit terre en poursuit en lour droitz sount mult disturbez grevez[1] et disheritz ordine est et estable que de ceux soit fait en chescun Countiee par les Justices a tener le plees en le chiefe place diligent inquisition et de lour mainteynours & soit duhe et Redde execution divers eux que ent serroit atteintz solonc la forme du statut ent fait en Engleterre saunz fine ou redemption de eux prendre qua aultres par tiel redemption suent abbaies deshorrible[2] chose en grevance de les ditz lieges comunes encontre ley faire ou maintenir Et que sur ceo les Erchivesques et Evesques de la dit terre chescun dedeins son diocese eient lez lettres patentes nostre Seignior le Roy de la Chauncerie dirland denquerrer des articles avauntditz quaunt lour plerra Et sur ceo solonc la loi de seint Esglise proceder divers eaux par les censurs et de certifier en la dit Chauncerie les nouns que serront devaunt eux ent trouves coulpables Issint que nostre Seignour le Roy al honour de dieu et de Saint Esglise gouvernance de ces leys et salvacion de son dit people pourra ent faire duhe punishment.

VIII. Item pour ceo que de droit lay person ne soit doit meller de dismes ou aseun bien espirituelle encontre la volunte de Governours del Esglise a quel les

1. Not in second copy.—2. *de si horrible*, id.

authority, he shall be out of the king's protection, and forfeit to the king all the lordships, lands and tenements, and all the goods and chattels which he, or any other to his use, hath in the said land; and hereupon proclamation was made according to the effect of the said act or ordinance."—Original Roll.

In the Parliament held at Dublin, A. D. 1493, 8 Henry VII., 32 Acts were passed, only one of which is printed in the Statute Book. One of these unprinted Acts states, that "divers treasons, felonies, murders, robberies, extorsions, coins, liveries, and other mischiefs being committed by *George Netterville*, and several others, clerkes and laicks (named), enacts, that they and every of them do render their bodies in the castle of Dublin, on the 12th day of august next; otherwise that they be attainted of felony, and forfeit all their lands, tenements, goods, and chattles, half to the king, and half to the party injured."—Original Roll.

[v] *Tithes, or any spiritual goods.*—In the ancient parliaments of Ireland, the first Act generally passed was one to confirm the rights and privileges of the church, "quod sancta Hibernicana ecclesia suas libertates et liberas consuetudines illesas habeat, et eis libere gaudeat et utatur." The same has been observed by the parliament of Kilkenny, see section 1 of the Statute. It now proceeds to protect the property of the Church, particularly in the article tithes, upon which it seems that some incroachments had been made, even at this early period.

Church endowment is as old as the introduction of Christianity into Ireland; but tithes are of more recent origin. Giraldus Cam-

the said land in pursuit of their rights are much disturbed, aggrieved, and deprived of their inheritance; it is ordained and established, that diligent inquiry be made of such in every county, by the Justices to hold pleas in the chief place, and of their maintainors, and that due and expeditious execution be had against those who shall be attainted thereof, according to the form of the Statute in this respect made in England, without fine or redemption to be taken of them, that others may, by such speedy execution, be deterred from doing or maintaining such horrible acts contrary to law, in grievance of the said liege commons: and that, thereupon, the archbishops and bishops of the said land, each within his diocese, shall have letters patent of our lord the king, from his Chancery of Ireland, to inquire of the articles aforesaid when they think fit; and, thereupon, according to the law of holy Church, to proceed against them by censures, and to certify into the said Chancery the names (*of those*) who shall be before them found guilty thereof, so that our lord the king, to the honour of God and of holy Church, the government of his laws, and the preservation of his said people, may inflict due punishment for the same.

VIII. Also, whereas, of right, no lay person whatsoever ought to meddle with tithes[v], or any spiritual goods, against the will of the governors of the Church, to

brensis says, that in his days, so late as A. D. 1185, or even later, tithes were not paid here, "Nondum enim decimas vel primitias solvunt."—Topog. Hib. Dist. 3, c. 19. John Lynch, the great and successful antagonist of Cambrensis, essays in his celebrated work to disprove that assertion; and, for the purpose, refers, among other authorities, to an ancient life of St. Grellan, the patron saint of the once powerful family of O'Kelly of Hy-Mania, in Connaught, and which life is still extant in MS., viz., in the Book of Lecan, preserved in the Library of the Royal Irish Academy. His words are, "E singulis Manachiæ (quæ regio in Connacia est) domibus patroni sui S. Grillani successoribus *tres denarii quotannis, primus porculus, primus agnus, & primus pullus equinus deferebantur.* Ut videas hic primitias, & supra decimas, necnon etiam oblationes ab Ecclesiasticis perceptas fuisse; ac proinde falso Giraldum dixisse. Quod Hiberni *nondum decimas vel primitias solverint.*"—Cambrensis Eversus, p. 186. Lynch has omitted the tithe of children mentioned by St. Grellan.

The late Rev. Doctor Lanigan, whose acquaintance the writer long enjoyed, and who was a man of profound learning and research, has, in his valuable work, the "Ecclesiastical History of Ireland," stated that the payment of tithes, before the arrival of Cardinal Paparo, was not general: "nor," adds he, "I believe, followed until a short time before that arrival. Yet I do not deny that they might have been paid in some places through the exertions of Gillebert of Limerick, who mentions them in his tract De Statu Ecclesiæ, and of St. Malachy."—Vol. iv. n. p. 284.—See Ussher, Sylloge, p. 59.

les dismes ou ceux[1] choses espirituellez appertinent ordinie est et establie que nul home graunde ne petit ne se melle ne preigne parvent ne en aultour manere dismes

1. *Telles*, id.

The Four Masters, at A. D. 1224, state, that in the time of Cathal Crovdearg (the red-handed) O'Conor, King of Connaught, tithes were first legally paid in Ireland; but the annalists have not stated in what year this legal payment commenced, or whether it was established by the *Irish*, or by the *English*. Cathal ruled over Connaught from about A. D. 1190 to 1224. It is certain that after the Anglo-Norman invasion, the kings of England, and their rulers here, became, with sound policy, goodly benefactors to the clergy. Had they proved equally attentive to the interests of the people in general, most of the national disorders which afterwards occurred, might have been prevented, and this country long since have become prosperous and happy. From amongst many regal and vice-regal grants to the Church, I select a few extracts, not hitherto published. In the time of Henry II., *Richard, the earl* (of Pembroke, called *Strongbow*), "vices Regis Anglie in Hibernia agens," granted to his beloved clerke, Thomas, the abbacy and parsonage of *Glendelaughe*, with all the appurtenances, lands and dignities in that *city*, "in ipsa civitate," i. e. *Glendelaughe;* and all churches and towns, "extra civitatem, in perpetuam elemosinam: hec sunt terre que pertinent, *jure antiquo*, ad predictam abbathiam." The lands, and they were numerous, are then named. No tithes mentioned. The grant concludes, "*Sicut mihi, in verbo veritatis, Diarmicius Rex testatus*" (Dermod Mac Murrough, King of Leinster), and it was witnessed by *Era*, the Countess (Earl Richard's wife, and King Dermod's daughter), Laurence (St. Laurence O'Toole), archbishop of Dublin, and others.—Alan's Registry, fo. 21, d. King Henry II. soon afterwards confirmed this grant.—Id.

A. D. 1177, William Fitz-Adelm, "Dapifer Regis," the ancestor of the Clanricarde family, and of all the Burkes of Ireland, in presence of Vivian the Cardinal, and Laurence (O'Toole) archbishop of Dublin, gave the carrucate of land called Dunoure to the church of St. Thomas the Martyr, near Dublin. This grant has been printed by Leland, I. 127. It appears on a roll of charters relating to that church, which roll I have seen in the possession of the present Earl of Meath, the descendant of Sir William Brabazon, to whom the above church or monastery of St. Thomas was granted by Henry VIII.; but it must be observed, that this roll is not older than the time of Henry VIII., having been then compiled from the original chartæ, since lost. I note this to prevent mistake hereafter, as Leland has, loco citato, stated it to be an ancient roll, "E rotulo *antiquo* penes comitem Midiæ."

A. D. 1178 Laurence (O'Toole), archbishop of Dublin, granted to the canons of the church of the Holy Trinity, serving God according to the rule of St. Augustine, the said church of the Holy Trinity, and the churches and lands belonging thereto, viz., the church of St. Michan, the church of St. Michael, the church of St. John the Evangelist, the church of St. Brigide (Bride), the church of St. Paul, and all the gardens (ortos) which that (last) church is known to possess outside

to whom tithes or such spiritual goods belong, it is ordained and established, that no man, great or little, shall interfere with or take by sale, or in any other manner,

the wall (extra murum) of the city: also "molendinum juxta pontem, et piscarium, *cum decimis salmonum et omnium aliorum piscium* ex utraque parte cursus aque de Anilyffy." No mention is made of any other sort of tithes, but various lands are named and given. This curious grant appears on a roll of ancient charters, preserved among the records of Christ Church, Dublin.

Alan's Registry, fo. 21, contains a confirmatory grant, in the reign of Richard I. from John earl of Moreton, to J. (John Comyn, an Englishman) archbishop of Dublin, whereby, amongst other possessions, the earl grants and confirms unto him and his successors, "insulas de Lambeio, Irlandeseia et Dalkeia, villam de Swerdes . . . . . terram de Luska cum ecclesia, &c., medietatem decimarum terre O'Kadesi de Finegall, Ffineglas . . . . terram eciam de Kilfethra in Ossoriensi, quam ei dedit Rex de assensu patris mei, et terram de Fidom que est ex dono meo, et feodum militis quod assensu meo datum fuit baculo Jhesu apud Instioche, et feodum militis in Midia ex dono Hugonis de Laicye, et aliud feodum militis in Ultonia ex dono Johannis de Curcye."

In the archives of Christ Church, Dublin, there is still preserved an original grant of Eva the countess, and heiress of King Dermod, confirming the above of John, and other grants made to the archbishop of Dublin. As this document is short, I am induced to copy it here. "Omnibus tam presentibus quam futuris ad quos presens carta pervenerit, Eva comitissa, heres Regis Deremicii, salutem, Noverit universitas vestra me, pro salute anime mee et domini mei comitis Ricardi et antecessorum meorum, concessisse et presenti carta confirmasse, Deo et ecclesiæ Dubliniensi et J. archiepiscopo ejusdem et successoribus suis, omnes possessiones et elimosinas, tam in ecclesiasticis quam in mundanis tenementis, quas eis comes Johannes et alii boni viri de Lagenia pia largicione contulerunt: et volo quod prefata ecclesia et ejusdem ecclesie archiepiscopi eas teneant et habeant libere, quiete et honorifice et integre, cum omnibus pertinenciis suis, in perpetuam elemosinam, sicut carte donatorum testantur. Hiis testibus, etc." This instrument shews that the politic archbishop was resolved to guard against contingencies, by fortifying himself with an Irish title and confirmation of the ample grants which he obtained from John, to be relied upon in case the English should eventually be driven out of Ireland. Harris, in his edition of Ware, vol. i. p. 315, alludes to another remarkable grant of John to this prelate, mentioned in Jus Primat. p. 85; and more than insinuates a strong suspicion of the integrity of Comyn in obtaining it.

The curious grant from Theobald Walter, "Pincerna Hibernie," to the monks of Wodeny, now Abingdon, county Limerick, in the reign of Richard I. who is named in it, before A. D. 1199, is silent as to tithes.—For this instrument, see roll of Patents, 34 Henry VIII. m. 13, d. Also, Dugdale, Monast. II. 1035. By means of this ancient charter, the writer was enabled to establish the claim of the Marquess of Ormond, to appear at the coronation of George IV. as "Chief Butler" of Ireland.

Tithes were firmly established within half

dismes appertenauntz a seint Esglise ou religion par extorcion ou menace ne a meyndre prise quil pourra vendre a aultre encontre la volonte celluy a qui lez ditz dismes appertenent et celluy que face a lencontre et de ceo soit atteint face restitution a celluy que eit[1] serra[2] greve et si voet pleindre de la double de la dit pris soit reint a la volunte du Roy.

IX. Item pour ceo que disobeisance a dieu et seint Eglise et mis hors de comunion de Chrestienz ne pouvont ne doyvent de droit estre receivez a grace nostre Seignour le Roy ou a comunion de ses ministres Ordonne est et establie que quant les Erchevesques Evesques et autres prelates de seint Esglise ont escourone entredice[3] ou fulmine lours censures de seint Esglise du ascune person Englois

1. So in copy.—2. *en cela*, second copy.—3. *eslounqee en credite*, id.

a century after the arrival of the English in Ireland. The nineteenth canon of a provincial synod, held under archbishop Comyn, about A. D. 1186, "provides that tyths be paid to the mother churches out of provisions, hay, the young of animals, flax, wool, gardens, orchards, and out of all things that grow and renew yearly, under pain of anathema, after the third monition: and that those who continue *obstinate in refusing to pay*, shall be obliged to pay the more punctually for the future."—Harris's Ware, i. 317. This canon proving unavailing, Pope Innocent the Third, in order to enforce obedience to it, issued his bull (directed to archbishop Loundres), dated the 3rd of the kalends of August, in the 17th year of his Pontificate, A. D. 1214. The words of the Pontiff are remarkable. "Significasti nobis quod *plerique per Hiberniam* constituti, *fulti potentia laicali*, de frugibus, nutrimentis animalium, molendinis et laboribus suis, *decimas solvere aspernantur*, et alii non matricibus ecclesiis sed illis *quibus volunt* et *quantum volunt* solvunt nomine decimarum, unde," &c.—Alan's Registry, fo. 4.—This archbishop Loundres was named *Schorchbill* or *Schorevillen*. For a curious account of the cause of this name, see Hanmer's Chronicle, A. D. 1213; also the Annals of Ireland, published by Camden, at the same year; and Ware, vol. i. 319, where Harris gives a short extract on the subject, from the Black Book of Christ Church, Dublin, fol. 437.

The following grant of Edw. II. to the prior and brethren of the House of St. John of Jerusalem, near Dublin, taken from a roll of pleas, 10 Edw. III. m. 36, preserved in Birmingham Tower, Dublin Castle, will show that no small portion of the property of that house was appropriated to the support of the poor. "Edwardus, &c., supplicarunt nobis dilecti nobis in Christo, prior et fratres Hospitalis sancti Johannis baptiste, extra novam portam Dublin, in Hibernia, ut cum ipsi, de sustentacione *centum et quinquaginta et quinque pauperum* infirmorum, preter capellanos, et [ ] predicti hospitalis onerentur, ac eorum bona et possessiones, tam in suburbio civitatis predicte quam alibi in terra predicta, per hostiles aggressus tam Scotorum quam Hibernicorum in tantum destruantur, quod

manner, the tithes appertaining to holy Church or religion, by extortion or menace, nor at a less price than they may be sold at to another, against the will of him to whom the said tithes belong, and he who does to the contrary, and hereof shall be attainted, shall make restitution to him who shall be aggrieved, if he will complain, of the double of the said price, and make fine at the king's pleasure.

IX. Also, whereas [*persons guilty of*] disobedience to God and holy Church, and put out of the communion of Christians, cannot, nor ought, of right, to be received to the favour of our lord the king, or to the communion of his officers; it is ordained and established, that when the archbishops, bishops and other prelates of holy Church, have excommunicated[w], interdicted or fulminated

ipsorum bona, ad sustentacionem dictorum fratrum et pauperum, ac *hospitalitates ibidem ordinatas*, manutenendum non sufficiunt, nisi eis aliunde subveniatur: velimus eis concedere deodanda nostra dicte terre nostre Hibernie, que, ad voluntatem justiciorum Hibernie, qui pro tempore fuerint, ex concessione eorundem justiciorum, habere consueverunt; habendum sibi et successoribus suis, in relevacionem status hospitalis illius: Nos ad premissa consideracionem habentes, et statum ipsorum prioris et fratrum in hac parte pie compacientes, voluntesque eis premissorum intuitu gratiam facere specialem, concessimus eisdem priori et fratribus dicta deodanda dicte terre nostre Hibernie, habendum et percipiendum, a die confeccionis presentium, usque ad finem septem annorum proxime sequentium plenarie completorum, de elemosina nostra, in subvencionem sustentacionis sue, et supportacionis onerum predictorum. In cujus rei testimonium has literas nostras fieri fecimus patentes. Teste meipso apud Novum castrum super Tynam, vicesimo die junii anno regni nostri octavo." These deodands were again granted to them, 13 Ed. II.—Rot. Plit. de eod. an. m. 31.—Ibid.

[w] *Excommunicated.*—In Ireland excommunication was frequently resorted to.—See Doctor Lanigan, vol. ii. p. 278, and iv. pp. 377–80, for an explanation of this great ecclesiastical power, as wielded in this island. At note [u], p. 25, *ante*, a partial excommunication pronounced at Navan, in the county of Meath, is mentioned, and many similar examples appear, as well in the Irish annals, as in the records of the English Pale. In Mr. Petrie's able Essay on the history and antiquities of Tara hill, published in the Transactions of the Royal Irish Academy, vol. xviii. p. 122, will be found a curious account of a malediction pronounced by St. Cairnech, on the *dun* or house of Muirchertach, king of Ireland, who died A. D. 533; and at p. 125 of the same, is given a similar proceeding of St. Ruadhan against Diarmait Mac Fergus Ceirbheoil, king of Ireland, who died, A. D. 565; "and then Roadanus (St. Ruadhan) and a bishop that was with him tooke their bells that they had, which they rung hardly, and cursed the king and place, and prayed God that noe king or queen ever after would or could dwell in Tarach (Tara), and that it should be wast for ever, without court or palace, as it fell out accord-

Englois ou Irrois pour raisonable cause a la request nostre seignour le Roy ou de lour office ou a suit de partie que apres que la notification de ceaux censures veigne[1] a nostre Seignior le Roy ou a ses ministres qi celles personnes sur les points pour ceux ils sunt[2] excourges ne soient receux a la grace nostre dit Seignior le Roy ne comunion ou d'alliaunce de ces ministres ne en maintenaunce de nulle de lieg people en lour errour tanq ils aient fait gree a dieu et seint Esglise et soint restitue come la ley de seint Esglise demaund et si maintenour de tiel persone excourge soit trove et attaint encontre lordinance avaunt-ditz soit pris emprison et Reint a la volunte du Roy.

X. Item pour ceo que diverses guerres avant ces heurs ont estez souvent comencees

1. *Vienuent*, id.—9. *sont*, id.

ingly."—Mac Geoghegan's Transl. Annals of Clonmacnoise, MS. in Trin. Col. Dub. F. 3, 19, in which I also find, A. D. 814, that "the familys of St. Columb went to Tara, and there excommunicated Hugh Ornye, king of Ireland, with bell, book and candle."—See Keating's History of Ireland, fol. London, 1738, p. 523; Peter Walsh's Prospect, p. 248; and Dr. Lanigan, iv. 43, for an account of the blessings and imprecations invoked at the conclusion of the proceedings of the Synod of Rathbreasil, A. D. 1118, on the observers or infringers of the ordinances there established. A. D. 1158, the following summary mode of incurring, and, at the same time, preventing an excommunication, is recorded in Mac Geoghegan's MS. before referred to. "There was a convocation of all the clergy in Ireland, at Breyvick Teig. The bushopps of Connaught, with the archbishop Hugh O'Nosyn, took their journey to come thither, and as they were passing towards Clonvicnose with two of the cowarbs of St. Quæran in their companie, and as they were coming to the joyste or wooden bridge over the Sanyn, at Clonvicknose, called Curr Clwana, they were met by the rebell, Carbreach the swift, and his kearne, who killed two laymen, and robbed the clergy, and did not suffer them to go noe nearer the said convocation, *for another cause he had himself.*"—MS. *ut supra.*

In after times it was usual, by writ, to direct the bishops to proceed to excommunication. Mr. Moore, in the third volume of his History of Ireland, p. 259, has given an extract from the State Papers, lxxxi., of the "vengeful and tremendous" sentence of excommunication pronounced against Lord Thomas Fitzgerald, in the time of Henry VIII. Some of the clergy concerned in that affair, afterwards lived long enough, in persecution and exile, to reflect on the terrible imprecations which they then so liberally poured forth on that misguided youth.

[2] *Divers wars.*—"Bella horrida bella." Many judicious foreigners conceit that war is the national characteristic of the Irish. So thought "Master" Pandarus, nearly four hundred years ago. "There is no land in this worlde of so long contynuall ware within hymselff, ne of so grete shedeing of chrystyn blodde, ne of so great rubbeing (robbing)

minated the censures of holy Church against any English person or Irish, for reasonable cause, at the request of our lord the king, or ex-officio, or at the suit of the party, that after that the notification of these censures shall come to our lord the king, or to his ministers, these persons, upon the points for which they shall be excommunicated, shall not be received into the favour of our said lord the king, nor into communion or alliance with his ministers, nor to maintenance in their error by any of the liege people, until they shall have made satisfaction to God and holy Church, and shall be restored as the law of holy Church requires; and if a maintainor of such excommunicated person be found and attainted against the ordinance aforesaid, he shall be taken and imprisoned, and fined at the king's will.

X. Also, whereas divers wars[x] have often heretofore been commenced, and not

spoyleing, praying (preying), and burneing, ne of so great wrongfull extortion contynually as Ireland." — State Papers, London, 1834, part iii. vol. ii. p. 11. See also Ware, Irish writers, vol. ii. p. 90, and Leland's Hist. of Ireland, vol. ii. p. 97, for an account of this Master Pandarus.

The sixth section of the Statute of Kilkenny, as may be seen, commences somewhat quaintly: "Whereas a land which is at war." This is a blessing which long attended this land; for when our ancestors were not fighting against the English, and that was seldom, they were sure "to keep their hands in practice" by fighting amongst themselves, and to this pastime they were not unfrequently instigated and subsidised by the English. To illustrate this would require a volume. I must, therefore, confine myself here to a few examples not hitherto accessible to the general reader, and as near the time of the Statute, as occur on record. On a close Roll, 48 Edw. III. face, n. 21, it appears, that a Liberate, i. e. an order for money, issued on 7th May, 1374, to "Comar Mac Comarre (Macnamara), chief of his sept, for 50 marks, for that, when O'Breen Tothomond, the king's enemy, had lately *fought* against John Mac Comarre, his father [see Cox, i. 129], now deceased, because he and his men were faithful liege subjects, wasted his lands (in the county Clare), the county of Limerick, and the adjacent parts; the said Comar, after his father's death, raised 400 defensible men to *fight* O'Breen, and restrain his intended mischief, whom, at his own charge, he had kept from Christmas last, whereby the faithful people of those parts were much comforted, and better enabled to restrain O'Breen; but not being able to keep his said retinue longer, without some competent aid from the king, or oppose O'Breen for the future, and these allegations being affirmed by the earl of Ormond, the mayor and bailiffs of Limerick, and other credible people of those parts, before the council; and that the adjacent country would have been destroyed and wasted by O'Breen, if the said Comar had not opposed him, the king, by advice of the council, directed the said sum of 50 marks to be paid him, *taking his re-*

comencees et nien continuez en mismes a bone fine einz de partie pernauntz[1] de Ennemyes a lour departire petyt davoir dont les ditz ennemies furrount et sont les pluis hardrez de Renovelez la guerre Accorde est et establie que guerre que serra commencee apres ceo[2] heures soit pris par le consell nostre Seignour le Roy

1. *Prenauntz* ?—2 *Ceux*, id.

ceipt."—Dated at Kilkenny, *ut supra.* Again, the said Comar, called captain of his nation, was paid 82 marks, for his labours and expenses, from Whitsontide last, in the county of Limerick, in defence of the king's liege people there, against O'Breen and his adherents, with eighty horsemen and footmen at his own charge, and making several good sallies (bona viagia) upon O'Breen, and killing many of his men.—Dated at Tristledermot (now Castle Dermot, in county Kildare), the 16th October, 1374.—Same Roll.

O'Breen seeing this, could not brook that his enemy Comar should have all the *Liberates* to himself. He, therefore, determined to come in for a share; and, accordingly, it appears on a close roll of the 1st year of Richard II. f. no. 17, that Murgh O'Breen, having assembled a large force of Irish enemies and rebels to the state, in Munster, lately came into Leinster in aid of the Irish there, purposing to make *war* upon the king's liege subjects, and destroy those parts; and the lord justice and council, together with the peers of the realm, in Parliament assembled at Tristledermot, perceiving the damages and misfortunes the said Murgh would occasion, if he were permitted to continue there without resistance; ordained, amongst themselves in the said Parliament, that he should have 100 marks, if he would withdraw himself and his forces out of Leinster, and do no further mischief there; which sum (nine marks excepted), the clergy and commons of the counties of Dublin, Kildare, Kilkenny, and Weysford agreed to pay; and because *he did not intend to depart unless he received the whole sum*, it was agreed by the Lord Justice and council, that the said nine marks should be paid out of the Treasury; for which a Liberate issued, dated at Tristledermot, 24th March, 1377.—Orig. Roll. About the same time, and on the same roll, another "captain of his nation" appears, getting his dividend of the marks. "Arte Mac Murgh, captain of his nation, was admitted to the King's peace, and, swearing upon the holy Evangelists, promised and bound himself to his good behaviour towards the king his Majesty's peace and faithful people, and to assist them in the defence and safety of Leinster, against any enemies and rebels whatever, when necessity required it: as also to use his diligence about the secure and safe custody of the king's highways of the counties of Catherlagh and Kilkenny: and, hereupon, the said Arte desiring to have from the king 80 marks yearly, in name of a fee, as the late king used to pay to his ancestors, the Lord Justice and council being unwilling to consent to the allowance thereof as a *fee*, because he had forfeited the same to the king, but as a *reward* for the good service he was to do, agreed that he should receive the same, from the date of this order quarterly, viz., ten marks in the middle, and ten marks at the end of each quarter."—Dated at Tristel-

not continued, nor brought to a good termination, but by the party taking from the enemy at their departure a small tribute, whereby the said enemies were and are the more emboldened to renew the war; it is agreed and established, that any war which shall be commenced hereafter, shall be undertaken by the council[y] of

dermot, 26th January, 1377. Soon after this, admirals were appointed in all the ports of Cork, with power to arrest all ships, boats, and vessels, the masters, mariners, and other defensible men of the said county, able to man the same, *to fight*, by God's assistance, the nation of the Hiderscoles (O'Driscolls), Irish enemies and rebels, who constantly remained upon the western ocean, and to their utmost destroyed the passengers.—Patent Roll, 5th year of Rich. II. n. 196.

But, however new or curious such extracts as the foregoing may appear, it would be vain, even if space allowed, here to pursue them further. They are too numerous, and vary but little except in names of persons and places. War was the only certain inheritance which, for centuries, descended from father to son in Ireland. The "land at war" of the Statute would well apply to any or every part of its history; and, therefore, it remaineth to conclude with Master Pandarus, as above, "that there is no lande in this worlde of so long continuall ware within hymself, as Ireland."—State Papers, part iii. vol. ii. p. 11.

[y] *By the council.*—Long after the English invasion, it was customary for the successive "adventurers" to make "war" or incursions against the Irish, "according to their power," and when and where they pleased; and the ease with which many of them effected these enterprises is remarkable. In after times several persons successfully laid claim to territories which their ancestors merely passed through, or only viewed from the next neighbouring eminences. Thus, Theobald Walter, the first Butler of Ireland, landing at Invermore (Arklow), crossed Ireland towards the west, laid the foundation of a monastery at *Eachdhroma O'Maine*, in Connaught (Aghrim, afterwards famous for the battle of 1691); he founded another in the territory of *Umhail* on the western coast of Mayo, the ruins of which, *Bhuirghesi Umhaill* (Burrishoole), still remain; others at *Uathne*, Wotheny (now Abingdon, Limerick), Nenagh in *Urmhumun* (Ormond), and at Arklow.—See Mac Firbiss's Book of Irish Genealogies, in the Library of the Royal Irish Academy, p. 812. So late as the reign of James I. the trustees of the then earl of Ormond obtained a grant, dated 9th February, 1611, of several castles and lands, in the baronies of Burishoole and Erris in Mayo, on no other ground, that I can discover, than that of the above-mentioned incursion of his ancestor into that territory.—See Patent Roll, 9 James I. p. 4, No. 9. Here I take the opportunity of noting, that a history of the noble house of Ormond would prove a most important addition to the History of Ireland. Lodge, in his peerage, gives an abridged statement, chiefly taken from Carte, see vol. ii. p. 1. first Ed.; but nothing could be expected from the other compilers of Irish peerages. For the only authentic, though meagre, account of the family in ancient times, see the Introduction to Carte's Life of the Duke of Ormonde.

Another of these "adventurers," Thomas de Clare, according to the MS. annals of

Roy par avisament de Seigniors comens et marchises del countie ou la guerre sourdera & contynue et finez et furnir par lour advise & conseil Issint que les Irrois Enemies ne soint recevz a la pees tanque qil finablement destruit ou face restitution entierment de les coustages et mises despendus sur cel guerre par sa defaute et Rebellice & repaire a eux par que ont qux les ditz mises & costages furrent faitz et outre facent fyn pour le contempt a la volonte le Roy et en cas que hostages soient pris et dones a nostre Seignior le Roy ou a ces ministres pour la pees tenir par aseuns de Irroies qui silz renovelent la guerre encontre la forme

Inisfallen, compiled by John Conry, and preserved in the library of Trinity College, Dublin, at A. D. 1276, obtained grants from Henry III. and Edward I. of "all the lands he could conquer from the Irish."—See the annals called Cathreim Thoirdhealbhaigh, also known by the name of the Wars of Thomond, passim, for the horrible transactions of the De Clares in that territory, and for their tragical end. This curious piece of Irish history remains in MS. in the same library.

But other modes of warring against the Irish enemies and their territories, and modes less reputable than those of the sword, were often adopted. Of this there are numerous instances. On 8th February, 1610, Thomas Hibbotts and Henry Persse obtained a lease for 21 years, of castles and territories belonging to the O'Flaherties, lying west of the town of Galway, "in consideration of their having undertaken, at their own expense, to bring the inheritance to the Crown."—Patent Roll, 8th James I. part iii. n. 36. This compact appears to have been in perfect keeping with the Statute of Kilkenny.

[z] *Finally destroyed.*—This enactment has been frequently disobeyed, and of this a memorable example remains, amongst many others, on record. A. D. 1504, was fought the great battle of Knock-tuagh, in Connaught. For a curious account of that battle see King's Collections, Royal Dublin Society, which account is there stated to have been taken "out of the Book of Howth, fo. 108, a." It commences thus: "After this the earl (of Kildare) married another daughter of his to a great man in Connaught, which was not so used as the earl could be pleased with, and said he would be revenged upon this Irishman, who stood at defiance with the earl and all his partakers. The earl sent to all the Irish lords that were his friends, as O'Neill, O'Reily, O'Conor of O'Faly, and all the power of the English Pale, so many as he could possibly make. For the earl understood that all the Irish in Ireland were divided between him and his adversarys." Hence it appears that it was a private cause of quarrel, and that the earl, by engaging in the war, without the knowledge or sanction of the king, acted in opposition to the law. Before the battle a council was held, in which the different leaders delivered their opinions. The lord of Gormanston was against it; and, screening his cowardice under a show of prudence, said, "let the king be privy to this weighty and uncertain enterprise, for we may put the whole realm in hazard, if we speed not well." The lord of Howth urged the fight, saying, "for the displeasure of our prince, if we win this battle, as I am sure we

of our lord the king, by the advice of the lords, commons, and inhabitants of the marches of the county where the war shall arise; and shall be continued, and finished and supplied, by their advice and counsel; so that the Irish enemies shall not be admitted to peace, until they shall be finally destroyed[z], or shall make restitution fully of the costs and charges expended upon that war by their default and rebellion, and make reparation to those by whom the said charges and costs were incurred, and moreover, pay a fine for the contempt at the king's will; and in case that hostages be taken and given to our lord the king, or to his officers, for keeping the peace, by any of the Irish, that, if they shall renew the war against the form of their peace, execution of their said hostages[a] shall without

shall, though the king frown a little with his countenance, his heart will rejoice." The battle was then fought and won, and the king did "rejoice," for "the earl at his return was created a knight of the noble order" of the garter.—Campion.—The Howth MS. thus concludes the account of this battle: "The lord of Gormanston said to the earl, we have done one good work, and if wee do the other, we should do well. Being asked what he meant, sayed he, we have for the most number killed our enemies, and, if we do the like with all the Irishmen that we have with us, it were a good deed." This atrocious proposal is not mentioned by Campion, Ware, or Cox, although the two latter quote the Book of Howth; nor is it noticed by the Irish annalists.—See the Four Masters at A. D. 1504.

[a] *Hostages.*—Wars were usually terminated by the victors receiving hostages. These hostages were usually of the highest rank, and in many instances proved the most unfortunate of the defeated party. In the time of the Irish monarchy, hostages were commonly exacted by superior princes to ensure the obedience of their subordinates. Among our ancient heroes, some are particularly celebrated for their successes in this way, viz., Niall Naoigiallach, or Niall of the nine hostages, who was killed, A. D. 405; Muircheartach Mac Neill, prince of Aileach, who died A. D. 941, and whose history has been so ably illustrated in the publications of the Archæological Society, by Mr. O'Donovan. The third great hostage-taker of Ireland, was the well-known monarch, Brian Boru. The hostages alluded to by the Statute of Kilkenny were those taken by the English from the Irish; it may be curious to ascertain, by a few examples, how these singularly circumstanced opponents behaved as well to each other as amongst themselves, on those occasions.

King John came to Ireland, A. D. 1210. (the Four Masters say 1209, Ware 1211) Cathal, the red-handed, O'Conor king of Connaught came and acknowledged fealty to John at Rathguaire (Rathwire, in the present Co. Westmeath); John demanded Cathal's son as a *hostage*. Him he refused to give, but delivered four noble youths in his place, viz. Connor God O'Hara, lord of Leyney; Dermott, the son of Connor O'Mulroney, lord of Moylurg; Fionn O'Carmacain, and Toirbheann (Torven), the son of the king of the Gallgaels (the Hebrides), one of Cathal's kinsmen. These hostages the king brought

forme de lour pees que execution de lour ditz hostages sauns delaie ou fayvtise soit fait solone les ancient usages de la dicte terre en tiell case use.

XI. Item pur mult de la pees maintenir et droit faire sibien as Irrois Ennemys esceantz

with him to England; and, the year after, sent them back to Ireland. It would be well for many a future hostage, if he experienced such honorable treatment.

The son of Cathal, above alluded to, was Aodh (Hugh), who became king of Connaught on his father's death in A. D. 1224, he having *the hostages* of Connaught then in his hands. One of his first acts of government was to order the son of O'Manachain (Monaghan), one of his nobles, to be blinded, for having committed a rape; and the hands and feet of another criminal to be amputated for theft. —Four Masters.

This prince, in A. D. 1227, according to the Four Masters, but in 1226, according to Mac Geoghegan, already quoted, went to Dublin, whither he was invited to a consultation by the English. On his arrival, they attempted to take him prisoner; but "a special friend of his, then *within*," i. e. in the hall where they were assembled, "did assist Hugh, and by the help of his sword, and strength of his hand, he conveyed Hugh away from them, and so departed to Connaught in safety."—Mac Geoghegan.—To revenge this act of treachery, Hugh, on his return, levied forces and attacked the English. He took William, the son of Geoffry De Marisco, Lord Justice, prisoner; but in doing so, Hugh himself was, as may fairly be deduced from the annals, guilty not only of treachery, but also of ingratitude, for the "special friend" who, as above, rescued him, appears to have been this same William. After this, he slew the constable of Athlone, and burned that town. These proceedings, add the annalists, proved highly beneficial to the province. *Peace was obtained*, and the English gave up *the hostages* of Connaught in exchange for the prisoners. Among these hostages were Hugh's own children.

The death of Hugh is thus curiously told by the same annalist. "A. D. 1227, Hugh O'Connor, king of Connaught, came to an atonement," i. e. terms of peace, "with Geffry March, and being afterwards in the Deputy's house, was treacherously killed by an Englishman, for which cause, the Deputy, next day, hanged the Englishman that killed him for that foul fact. The cause of killing the king of Connaught was, that after the wife of that Englishman that was so hanged by the Deputy, had washed his head and body with sweet balls and other things, he, to gratifie her for her services, kisseth her, which the Englishman seeing, for meere jelowsy, and for no other cause, killed O'Connor presently and unawares."—Mac Geoghegan. The Four Masters, however, at A. D. 1228, state that he was slain treacherously.

As I avoid quoting from documents already printed and attainable by the reader, I here refer to the ancient portion of the Annals of Ireland, published by Doctor O'Conor, under the title of "Rerum Hibernicarum Scriptores." These valuable volumes extend only to the English invasion in the twelfth century, but contain several examples of the kind alluded to. After that period the reader may consult the MS. Annals of the Four Masters, at the years 1237 and 1246, for hostages put to

without delay or favour be made, according to the ancient customs of the said land in such case used.

XI. Also for the better maintaining of peace, and doing right, as well to the Irish

death; and at the years 1234, 1257, 1259, 1265, 1296, and 1439, for hostages blinded. Similar cruelties were perpetrated between the Irish and English. In A. D. 1250, "the English put out the eyes of the Irish hostages at Athlone."—Id. And in 1270, Hugh, king of Connaught, after defeating Walter, earl of Ulster, in a sanguinary conflict at the ford of Ath-an-chip, "killed William Oge, the earle's brother, that was given him before in hostage, because the earle killed Terlagh O'Bryan, that came to assist O'Conor."—Mac Geoghegan.—But as it would prove a tedious task to note the various examples recorded in the annals, I therefore descend to a more recent period, and conclude, with perhaps the latest on record.

During the war of extermination which raged in Connaught towards the close of the sixteenth century, Sir Richard Bingham, the queen's governor of that province, is said to have committed several cruelties, many of which are recorded by our annalists, and an extraordinary clue to the entire can be seen in the British Museum, Titus, B. xii. fo. 451, 454, which may be found useful by future writers on the affairs of that place and period. The governor, it appears, during these hostilities, took several *hostages*, among whom were included the sons of the principal Irish chieftains, and lords of English descent, throughout the province. These youths he kept confined in irons, in the gaol of Galway, where they remained until the autumn of 1595; about which time, the celebrated Hugh Ruadh O'Donnell, made a successful incursion into Connaught.—See the life and actions of this extraordinary man, by O'Clery, one of the Four Masters, preserved in MS. in the Library of the Royal Irish Academy, Dublin. Encouraged by the successes of O'Donnell, and eager to participate in his glory, the youthful captives, heated also, as is said, by wine, resolved to effect their escape. Having succeeded in knocking off their fetters, these young men, towards the fall of an evening in autumn, and before the gates of the town were closed, sallied forth from their prison. They passed through the west gate which led to the bridge, but found the latter strongly guarded against them; they then plunged into the broad and rapid river that flows by the town, and soon reached the opposite shore. Here they were suddenly surrounded and attacked by a party of soldiers, who slew some and brought the remainder back to prison. The governor, informed of the transaction, directed that the surviving hostages should, immediately, be put to death, and the following young noblemen were thereupon hanged, pursuant to his orders, viz., the son of Mac William Burke (Edmond, the son of Rickard *an Iarainn*), brother of the first Viscount Mayo; the son of O'Connor Roe; the son of Mac David (Hobart), Burke of Glinske; Morogh Oge, the son of Morogh of the battle-axes, who was son of Teige O'Flaherty; and Meyler the son of Theobald, who was son of Walter *Fada* (Burke). The names or number of those who were shot after crossing the river are not mentioned.—See the Annals of the Four Masters, at A. D. 1595; and also at

eseeantz[1] a la pees come as Engleys Ordine est et establie que si null Irrois a la pees esteant par chevance acate[2] de merchandise ou en aultre maniere deveigne debteur a Englois ou Irrois esteant a la pees que par ceł[3] cause nul aultre person Irrois ou[4] luy south luy ou en sa subjection ne sez biens soint arrestuz ne achatez[5] pour tiell dette sil ne soit plegg pour mesme le dette mez soit son recouvyr vers la principall detour come la ley demaunde soit ben advise de bailer ses merchandises a tiel[6] person ou il puise avoir recovery.

XII. Item ordeyne est et establie que en chescun pees destre enavaunt entre nostre Seignour le Roy et ses lieges Engleis dun parte et les Irroys daultre parte et[7] chescun marche de la terre soit compris le point quensuit cest assavoier que nul Irrois pasture ou mayneavyre sur les terres as Englois ou Irrois esteantz a la paix

1. *Esteantz.*—2. *achater*, second copy.—3. *tiell.* id.—4. *ou?*—5. *attachez?* or from "*achatre*, to ransom—Kelham.—6. *tielle*, second copy.—7. *eu*, id.

A. D. 1581, for the execution of the sons of the earls of Thomond and Clanricarde. It is probable that the execution of these *hostages*, if not otherwise justifiable, might have been considered so under the Statute of Kilkenny.

It is remarkable, that this Sir Richard Bingham, for some time after his appointment, was called the "merciful governor."—See his cotemporary, P. O'Sullevan, in Compend. Tom. ii. Lib. iv. cap. xxi., who adds, "hæc non vera, sed ficta fuit misericordia; non columbina sed vulpina simplicitas. Hæreticus postquam de se magnam miserationis et pietatis opinionem concitavit, inde crudelitate plusquam Phalarica exarsit, catholicorum sanguinem avide effundens."—fol. 105 (*b*). Another cotemporary, Peter Lombard, in his Commentarius de regno Hiberniæ, p. 404 (4to. Lovanii, 1632), after describing Bingham, and those who surrendered on promises of protection, adds, "postea datis literis (quas protectionis vocant) ad colloquium invitatos, suspendi curavit eum ejusmodi literis inter collum et laqueum eis appensis, quasi verò, promissa eis securitas in hoc servaretur, quod sic istæ literæ protegerent eos a laqueo." Here a curious legal question arises, worthy the consideration of the learned in the law, viz., whether this latter proceeding (if not exaggerated) could be justified, "solonc les antient usages" mentioned in the Statute of Kilkenny.

[b] *Become debtor.*—This was a just and prudent enactment. The usual practice, before this time, was, to seize the person or goods of one Irishman, for the debt, or alleged debt, of another; and particularly when the latter was out of the reach of his creditor. This naturally led to forcible reprisal by the party aggrieved, and not unfrequently, to serious breaches of the peace, even to the loss of life and goods, of which there are many instances on record. In process of time, even this law was found ineffectual; and among the unprinted Acts of the Parliament, held at Dublin, 16 Edw. IV. 1476, the following Act occurs, viz., "that if any Englishman be damaged by an Irishman, not amenable to law, he shall be reprised *out of the whole sept or*

Irish enemies being at peace as to the English, it is ordained and established, that if any Irishman, being at peace, by borrowing, or purchase of merchandize, or in any other manner, become debtor[b] to an English or Irishman being at peace, that for this cause no other Irish person belonging to him, under him, or in subjection to him, nor his goods, shall be seized nor ransomed for such debt, if he be not surety for the same debt; but his remedy shall be against the principal debtor, as the law requires. Let him be well advised to give his merchandize to such person as he can have recovery from.

XII. Also, it is ordained and established, that in every peace to be henceforth made, between our lord the king and his liege English of the one part, and the Irish of the other part, in every march of the land, there shall be comprised the point which follows, that is to say, that no Irishman shall pasture[c] or occupy

nation of the party doing the injury, according to the discretion of the chief governor of the land, and the king's council."—Original Roll. —See Cox, vol. i. p. 172; also, the printed Irish Statutes, vol. i. p. 18, for Act 33 Hen. VI. c. 3, "that every chiefteyn of English linage, shall answer for his son and waged man;" and p. 19, for Act 35 Hen. VI. "that every man shall answer for the defence of his sons," &c. However extraordinary the above law, 16 Edw. IV. may appear at the present day, it was considered just and necessary at the time of its enactment. It may be observed that this and the other Acts just alluded to, bear a strong affinity to the laws of the Irish Brehons, making the whole sept or territory liable for the offences of the individual. The prudential advice so condescendingly given, at the close of the above section of the Statute of Kilkenny, is not usual in Acts of Parliament; but here, it evinces the paternal solicitude of the legislators for the inhabitants of the Pale.

[c] *No Irishman shall pasture.*—Davies, alluding to this section, says, "it was made penal for the English to permit the Irish to *creaght* or graze upon their lands."—Discovery, 112. But the enactment was directed against the "mere Irish" inhabiting the borders of the Pale; and if the influence of the Statute had extended far beyond those limits, it would have proved one of the most severe and impolitic laws ever enacted in any country. Such a law would require a total change of manners and customs. Moreover, it was wholly impracticable in a country circumstanced as Ireland was at the time, where the greatest part of the wealth of the people consisted of large herds of cattle. "Opulentiæ Hibernorum pars maxima in pecorum multitudine olim consistebat."—Ware. Spencer, in his View of the State of Ireland, p. 82, Dub. Ed. 1809, relates, that the Irish, like the ancient Scythians, "kept their cattle, and lived themselves, the most part of the year, in *Boolies*" (bucuiö, *an ox-stall or cow-house*, O'Brien), "pasturing upon the mountaine, and waste wild places; and removing still to fresh land as they have depastured the former:" adding, p. 248, that Ireland by nature was counted

paix encontre la gree des seigniors des ditz et sils faisent quil list a ditz seigniors a mener ove eux en lour pounde les ditz bestes issint pasturantes manoverance

a great soile of pasture." It was to prevent this custom of indiscriminate grazing that the above law was made. But that the practice continued long after, even within the Pale, appears by another prohibitory Act, passed in the Parliament held in Dublin, in the eighteenth year of Henry VI. A. D. 1440. As this Act has never been printed, I am induced to insert it here, as a curious exposition of this part of our Statute.

"13. Also for that the [ ] day of April, the sixth year of the reign of our lord the king, that now is, in the friery of the friars minors of Trym, a conference having been holden between the reverend father in God, [ ] bishop of Meath, deputy to the noble lord, [ ] de Grey, knight, then lieutenant of our lord the king therein; for that divers English, living within lands in the marches, and divers Irish rymers and sundry others, outlaws and felons to our lord the king, dwelling upon the same, without the license of our lord the king, the said Irish rymers, outlaws and felons, at the time of war waged between the liege people of our said lord the king, and the said Irish enemies, lay waste and destroy the said March lands, and the said Irish rymers, outlaws and felons, as well as those adhering to and following them, bring their *Creaghts*, to wit, horses, oxen, calves, pigs great and small, sheep, goats, and all other their goods and chattels within [*the said land*] called *Maghery*, [*and*] there dwell without leave of the lords of the said lands, and as well cut and burn their woods and gardens, as *graze* and destroy their meadows and pastures, to the final ruin and destruction of the liege people of our lord the king: it is agreed, that no subject of our lord the king, from henceforward, of what condition soever he be, shall, by any pretence or means, in time of war or of peace, bring any creaghts, horses, oxen, sheep, pigs great or small, or any other chattles out of the March lands, into the land of peace called *Maghers*, without the assent of our lord the king, and the permission of the lords of the aforesaid lands, meadows and pastures; and they or he who shall transgress, oppose, or contravene this Statute and ordinance, shall be taken and arrested by their bodies, and shall be brought to the next gaol of our lord the king, there to remain until they shall have made fine to our lord the king for their deliverance; and that the aforesaid horses, heifers, oxen, cows, calves, pigs great and small, goats, and all their other goods and chattles shall be forfeited to our lord the king, whereof our lord the king shall have the moiety, and those, or he who shall be grieved herein, shall have the other moiety, saving to our lord the king his right."—Original Roll, much defaced.

The Irish mode of grazing cattle, called by Spencer, *Boolie*, and by the foregoing Act of Henry VI. and Davies, *Creaght*, continued in general use to the middle of the seventeenth century. In some of the remote districts of Ireland it is still the custom to drive the cattle to the mountains for summer pasturage. Here the people erect temporary huts, and make their butter during the fine season, and in winter they return to their homes. The hut is called a *Buaile*, i. e. a dairy-house, or enclosure where cows are

occupy the lands belonging to English, or Irish being at peace, against the will of the lords of the said lands; and if they so do, that it shall be lawful for the said

milked, and the custom itself, *Buailidheacht*. In former days, the *Cueruigheacht* were shepherds in time of peace, but in war they attended the army for the purpose of driving the prey. I am informed that a tradition is still preserved in the county of Donegal, that the *Cueruigheacht* or *Creaghts*, were armed with *clubs* and *meadogs* (meaduc, a knife). With the former they drove the cattle, and with the latter they defended themselves against the enemy, whenever they were overtaken.

In the famous "Depositions of Protestants, and the king's loyal subjects," taken at Dublin, A. D. 1641, 2, and now preserved in the MS. Library of Trinity College, GEORGE GONNE, of Drumrane in the county of Leitrim, clerk, states, that, in 1641, "he, finding a *Crute* in the woods, did put himself thereinto until the next morning."—Co. Leitrim. Among the same curious documents I find the following, viz: "THOMAS JOHNSON, vicar of Turloghe and Kellycomon, county Mayo, saith that the rebells in the baronies of Costelloe and Gallen, in meere hatred and derision of the English *and their very cattle*, and contempt and derision of the English lawes, did ordinarily and commonly prefer bills of indictment, and bring the English breed of cattle to be tried upon juries; and having, in their fashion, arraigned those cattle, then their scornful judge, then sitting amongst them, would say, 'they look as if they could speake English, give them the book and see if they can read,' pronouncing the words 'legit an non,' to the jury; and then, because they stood mute and could not read, he would and did pronounce judgment and centence of death against them, and they were committed and put to slaughtering."—Jurat. 14th Jan. 1543.—Co. Mayo. "ANDREW ADAIRE, late of Moygownagh, county Mayo, Esq., saith, that the name of the English was so bateful to the Irish, that they would not only kill all they met with (if not strangely prevented), but would kill all *the English breed of cattle*, sometyme jeeringly saying, they would speak English, and therefore they would kill them."—Jurat. 9th Jan. 1642.—Same county. For an account of the very trifling portion of the above "Depositions" which has been printed, see Vindiciæ Hibernicæ by M. Carey, 8vo. Philadelphia, 1819. The publication of the entire would prove an important addition to Irish history.

If the treatment of the "English breed of cattle," mentioned above, be considered cruel, although it may be doubted whether it would come within the meaning of my old friend Richard Martin's Act, what will be said of the treatment which the self same Irish gave their own Irish breed of horses, in making them "plough by the tail," which was in full practice at the above period. On this subject, the Commissioners appointed by James I. A. D. 1611, "to enquire of grievances in Ireland," returned, that "there was an act of counsel made in the year 1606, restraining the use of the *barbarous custom of drawing plows and carriages by horses' tails*, upon pain of forfeiting, for the first year's offence one garron; for the second, two; and for the third, the whole team; notwithstanding this was not put in execution for almost five years after, until in the year 1611, Captain Paul

verance lour ditz terres en nom de distresse pour lour rent et lour damages issint que les bestes ne soient departies desparpoilez come avant sez heoures ad este fait mez soient tenus entierre come ilz furent prises a deliverer a la partie en cas quil veigne defaire gree as seigniors dez ditz terres resonablement solone lour demande et en cas que aucun departe ou desparpoile les bestes issint prises soit puny come Robeor et debrusour de la pees nostre Seignour le Roy et si aseun Irrois leve par force a la rescous de ceux resonables pristes que list al ditz Englois ses mesmes aider a forte mayn sans estre empeche en la cort de nostre Seignior le Roy par[1] celle cause Et que nul Englois ne preigne nul distresse sur auscun Irrois

1. *Pour*, id.

Goare demanding seven or eight score pounds of his Majesty, for pay of certain soldiers entertained by him, upon the lord deputy's warrant, did for that and other extraordinary services, in the time of O'Doghertie's rebellion, desire the benefit of this penalty for one year, in one or two counties, which the lord deputy granted him, limiting him to 10*s*. Irish, for every plough so offending. In the year 1612, the lord deputy ordered to have the said penalty levied within the whole province of Ulster, at the rate of 10*s*. English, upon every plough drawn as aforesaid, and the money so raised, amounting to £870, was employed to public uses. In the year 1613, the penalty of 10*s*. English hath been taken up to the use of Sir William Uvedall, by letters patent, reserving a rent of £100 yearly, the profits whereof this year, within the province of Ulster, amount to £800, sterling, although we are informed the charge on the people is much more. Although divers of the natives pretend a necessity to continue the said manner of ploughing, as more fit for stony and mountainous grounds; yet we are of opinion that it is not fit to be continued, being condemned by the English inhabiting those parts, as an uncivil and unprofitable custom."—Roll of Patents, 16 James I. part iii. f.

[a] *Punished.*—From this enactment it may be reasonably inferred, that the inhabitants of the Pale had been in the habit of committing the outrages here proscribed; but the aggressions between them and the bordering Irish were mutual and destructive, and so continued for centuries. Amongst the English themselves, the state of society within the Pale was most deplorable. The system of crime that prevailed has no parallel in the history of any other part of this island, filled though it be in every page, with recitals of war and devastation. It is more than probable that the barbarous Act, 5 Edw. IV. c. 2 (see Irish Statutes, vol. i. p. 28, Ed. 1786), was directed wholly against the English of the Pale, amongst whom it was usual, when committing the crimes there detailed, to disguise themselves as "mere Irish" in order the better to escape detection; and that to correct this practice, the Act, 5 Edw. IV. c. 3, was passed. —See Irish Statutes, as before, p. 29.

From several records still remaining, the progress of crime within the Pale might be traced from an early period. Thus, a single

said lords to lead with them to their pound the said beasts so feeding [or] occupying their said lands, in name of a distress for their rent and their damages, so that the beasts be not divided nor scattered as heretofore has been done; but that they be kept altogether as they were taken, in order to deliver them to the party in case that he shall come to make satisfaction to the lords of the said lands reasonably, according to their demand; and in case any one shall divide or separate from each other the beasts so taken, he shall be punished[q] as a robber and disturber of the peace of our lord the king; and if any Irish rise by force to the rescue of those reasonably taken, that it be lawful for the said English to assist themselves by strong hand, without being impeached in the court of our lord the king on this account; and that no Englishman do take any distress upon any Irishman

roll of pleas of 6 Edw. I., A. D. 1277, preserved in the office of the Chief Remembrancer of the Exchequer, Dublin, contains numerous entries of crimes committed in that year. Of these I extract a few, in order to show the nature of the record. "Adam Cyr attachiatus et rectatus super hoc, quod combussit domum Hugonis O'Canean.—Willielmus filius Davidis filii Willielmi de Cnocktofre, quod vi rapuit Sarram filiam Roberti le Serjaunt de nova villa Gerepontis.—Johannes Gaynard, quod vi rapuit Synoldam de la Herre inter villam de Ardri et villam domini Edw. de Staunton.—Visus captus de morte Ade Faber in villa Mathei juxta Kenles, dicunt juratores quod Johannes capellanus de Omeryn, Radulphus de Anglia, Nyvyn O'Cogan, Willielmus Frambaud et Ricardus de Keet interfecerunt predictum Adam, nequiter et felonice, in domo Johannis le Curteys.—Similiter, de morte Thome Ore interfecti apud Kenles, dicunt quod Gilleban famulus dicti Thome nequiter interfecit eum, et fugit.—Similiter, de morte Johannis Corbet interfecti apud villam de Kylbery, dicunt quod Reginaldus Frambaud nequiter et maliciose interfecit eum." In this manner, upwards of fifty capital crimes are recorded in this one year, within the Pale. Several deaths are also mentioned as resulting from accidents, viz. "Isabella Pourpont sedens juxta ignem, in domo Galfridi Patrick apud Rafyn, venit quidam vitulus et scaturizavit quamdam patellam cum aqua calida, unde dicta Isabella moriebatur.—Robertus Walens ivit juxta puteum, et submersus fuit, quia ebrius.—Walterus de Crus ludebat cum Ricardo Curteys, et cecidit super cultellum suum proprium, unde moriebatur." Some instances of suicide are also recorded. "Agneta Hamelin, peplo suo, se suspendit in domo Walteri Hamelyn." Clerks charged with crime, handed over to the Church, "Ricardus Petche attinctus pro latrocinio et roberio, liberatur sacro-sancte ecclesie, quia Clericus est." These few extracts, taken from the numerous instances recorded in a single year, may enable the reader to form a judgment of what might be obtained from more extended research. Although the records here alluded to, contain numerous entries illustrative of manners, customs, &c., in Ireland, for upwards of three centuries after the above period, yet they have been hitherto neglected by all the writers on our laws and history.

Irrois de nul parte entre cy et la feste de St. Michel prochin avener[1] issint que les Irrois de cheeun parte en le mesme temps pourront estre gainz[2].

XIII. Item ordine est[3] que nul Irrois de la nations de Irrois soit admis en nulle esglise Cathedral ne collegiale par provision collation[4] ou presentacion de queconque

1. *Venent*, id.—2. *garniz* ?—see section xx. garnz for garniz, which is still nearer the text. —3. "*et establie*," second copy.—4. *collutive*, id.

[e] *Warned.*—There is much difficulty in this passage; *gainz* may have some connexion with *gainage*, tillage, and lands might have been held in *gain*; but the translation above given seems conformable to the intention of the legislature.

[f] *Be admitted.*—Of all the laws made in Ireland, from the time of the landing of the English, to the eighteenth century, this, and the enactment immediately following it, were considered by the Irish people, as amongst the most severe. All the other laws, as they were constantly reminded by their writers and preachers, concerned only man, but these, they were told, were directly intended against God. Religious discontent among the people was thus added to the other evils of the land, and the effect was such as might be expected. Like all such laws, however, it served to correct itself. The people soon began to complain of the want of sufficient clergy within the Pale, and the government was, at length, obliged to grant licenses to Irish clerks, to be admitted to dignities and benefices, in direct opposition to the Statute of Kilkenny. This practice was complained of in England, and by an Act passed there, 4 [vel 3°. stat. 2] Hen. V. ch. 8, A. D. 1416, reciting, "whereas it was ordained in the time of the king's noble progenitors, by a Statute made of [*in*] the land of Ireland, that none of the Irish nation should be chosen by election, to be an archbishop, bishop, abbot, or prior, nor in none other manner received nor accepted to any dignity or benefice within the said land; and [now of late, so it is that] many such Irish people, by force of certain letters of license to them made by the king's lieutenant there, to accept and receive such dignities and benefices, be promoted and advanced to [be archbishops and bishops] within the said land, and also make their collations to Irish clerks, of the dignities and benefices there, against the form and effect of the said Statute," it was enacted, "que le dit estatut estoise en sa entier force et que bien et duement soit gardez et pleinement executez."—Statutes of the Realm, vol. ii. pp. 197, 198.

After the passing of this Act, the Statute of Kilkenny was strictly carried into execution; but licenses, in some special cases, were, notwithstanding, granted to Irish clerks, to hold benefices. Thus, the same king, Henry V. in the seventh year of his reign, granted to Thomas Morowe, chaplain, otherwise called *Mac Roghiyr, an Irishman*, that he should be of free state and condition, and might enjoy the English laws, and acquire and possess lands as fully as any Englishman could do, lands held of the king *in capite* only excepted, and that he might be promoted to any *ecclesiastical benefices*.—Roll of Patents, 7 Henry V. 1st part. m. 11.—See also the Roll of the 9th year of the same king, mm. 26, 37, and the

Irishman of any part between this and the Feast of St. Michael next to come; so that the Irish of every part may be warned[e] in the meantime.

XIII. Also, it it is ordained that no Irishman of the nations of the Irish be admitted[f] into any cathedral or collegiate church by provision, collation, or presentation

Rolls of the succeeding reigns. for similar grants to Irishmen; but in general the Statute was rigidly enforced. The consequence, at a subsequent period, viz., in the time of Edward the Fourth, is thus recorded by the Pandar before quoted, p. 32, n. x. "Amongst the many causes of the mysseorder of the land, there is no archebysshop ne bysshop, abbot ne pryor, parson ne vycar, ne any other person of the Churche, high or lowe, greate or smalle, Englyshe or Iryshe, that useyth to preache the worde of Godde, saveing the poore fryers beggers."—See State Papers, part iii. vol. ii. as before. Further, an unpublished Act, 14 Edw. IV., A. D. 1474, No. 4, contains the following recital: "The divine service of God, in the Cathedral church of Saint Patrick, Dublin, is daily withdrawn; and especially now of late, on *St. Patrick's eve*, no vespers were had in the said church, *which is most piteous to hear to every native of this land.*"—Orig. Roll. Later again, A. D. 1565, the Irish Privy Council says, "As for religion there was but small appearance of it; the churches uncovered and the clergy scattered, and scarce the being of a God known."—See also, Cox, vol. i. p. 319.

In a Parliament held, A. D. 1465, 5 Edw. IV., the following Act, not hitherto printed, was passed: "54. Whereas it is found by inquisition, that Leo Howth, clerk, presented John of Kevernok, clerk, an Irishman and of Irish nation, that is to say Shan O'Kery an Irish enemy of the king, to Michael archbishop of Dublin, to the vicarage of Lusk, contrary to the form of the Statute; the which John contained in this Act, is the same John Kevernok in said inquisition. Whereas the said John and his ancestors, from the conquest of Ireland, have been Englishmen born, and of English nation, that is to say, Kevernok: whereupon, the premisses considered, and also how the said John Kevernok is a special orator of our sovereign lord the king that now is, and for the most high and puissant prince, Richard, duke of York, his father, whose soul God rest, and also how he is a universal preacher of the words of God in these parts of Ireland: it is ordained, by authority of the said Parliament, that the said inquisition be deemed and declared void, and of no force in law, and every other inquisition against the said John to *make him Irish, or of Irish nation;* and that the said John, by authority of the same, *be declared English born*, and of English nation, and that he may hold and enjoy the said benefice."—Orig. Statute Roll.

The foregoing Act shows with what strictness the Statute of Kilkenny, against the admission of Irish clerks to benefices, continued to be enforced. The old complaints of the want of a sufficient number of officiating clergy consequently increased. To remedy this want in the diocese of Dublin, an Act was passed in the Parliament held there, in the second year of Richard III. A. D. 1485, reciting "As divers benefices of the diocese of Dublin are situated among Irish enemies, of which the advowsons belong to the archbishop of Dublin, in right of his see; and as *no Eng-*

queconque persone ne a nul benefice de Seint Esglise deins les Englois de la terre et si aseun soit admitz institiut ou enduct en tiel benefice soit tenuz pour nul & eit le Roy a celle voidance de mesme le benefice sa presentation a queconque person lancreson de tiel benefice appartient savaunt lour droit a presenter ou faire collation a mesme la benefice quant ele voidra autrefois.

XIV. Item ordone est et establie que nul maison de Religion quest assis entre

lishman can inhabit said benefices, and divers English clerks, who are enabled to have cure of souls, are *inexpert in the Irish language*, and *such of them who are expert disdain to inhabit among the Irish people, and others dare not inhabit among them*, by which means divine service is diminished, and cure of souls neglected. It is enacted that Walter Fitz Symond, archbishop of Dublin, for two years do collate Irish clerks to said benefices, without any impeachment from the king, his heirs, officers, or ministers, provided such beneficers be sworn to allegiance."—Original Statute Roll. It might be interesting here to ascertain from the records of the archdiocese of Dublin, to what extent this Act has been carried into execution. See Harris's Ware, vol. i. p. 344, for a curious letter of the above archbishop Fitz-Symond, or Symons, to Henry VII. stated to have been taken from Ware's extracts out of the Council Books of that king. If by these were meant the *Irish* Council Books, the recovery of them would be valuable for the future historian, as many of the records of that period are, I fear, irrecoverably lost. It may be here observed, that it was principally to remedy the deficiency of clerks, "expert in the Irish language," that Trinity College, Dublin, was afterwards instituted by Queen Elizabeth. See, on this subject, a curious letter of James I., inrolled 18th year.—Part i. Rolls Office, Dublin, No. 34, in which the king states, "we have reason to think that the governors of that house have not performed the trust reposed in them."

In the Parliament held at Dublin, 8th Hen. VII. A. D. 1493, another Act passed, to enable archbishop Fitz-Symond to "present Irishmen to benefices among the Irish in his diocese." This Act is the second (viz. ch. ii.) of the 32 Acts passed in that year, and of which only one, viz., ch. vi. has been printed. —See the Irish Statutes, vol. i. In the succeeding reign, when changes in religion took place, it was found impossible to keep up a sufficient supply of English clerks; it therefore became necessary to admit Irish clergy, non obstante the Statute of Kilkenny, to benefices; but in order legally to avoid, without repealing that part of the Statute, grants of "English liberty," similar to that above quoted, 7th Henry V. were usually made. Of these numbers may be seen in the patent rolls of Henry VIII., and in those of the three succeeding reigns. It must, however, be observed, that whenever an English clerk offered, the Irish incumbent was unceremoniously deprived, to make room for him. Thus, on 1st August, A. D. 1542, Thomas Clynche, chaplain, was presented "to the perpetual vicarage of the parochial church of St. Movinoge, in the diocese of Cashel, belonging to the king's presentation, *by reason of the incumbent being of the Irish nation.*"—Rot. Pat. 34 Hen. VIII.

presentation of any person, nor to any benefice of Holy Church, amongst the English of the land; and that if any be admitted, instituted or inducted, into such benefice, it be held for void, and the king shall have the presentation of the said benefice for that avoidance, to whatever person the advowson of such benefice may belong, saving their right to present or make collation to the said benefice when it shall be vacant another time.

XIV. Also, it is ordained and established that no religious house[g] which is situate

—See also same Roll, n. xxi., and Spencer's View of the State of Ireland, p. 254, Dublin, Ed. 1809. In the reign of James I., A. D. 1618, the Commissioners of Grievances, &c., returned, that, "in many parts of the kingdom the priests do collect taxations, in the following manner: for every married couple, 12*d.*; of every person of the age of 12 years, 6*d.*; of every christening and marrying, 2*s.* 6*d.*, and 6*d.* to the clarke; at every burial of any person of worth the people yield offerings, which is divided betwixt the priests and the friers, and part for scholars educated in seminaries beyond the seas; and the priests make collections at the keeping of the 'month's minds' of the deceased principal men and women; for the maintenance of three abbies in Munster, the people pay yearly certain ridges of corn of all sorts, with muttons, lambs, butter, and such like. The last year the friers of Killrey, in Munster, had 145 muttons, 30 porks, besides butter, eggs, and like victualls in great abundance, as we are informed by persons of quality."—Roll of Patents, 16 Jac. I. third part. b.

[g] *No religious house.*—This enactment appears, in many instances, to have been evaded or openly disregarded, even within the Pale. Thus, on 14th November, 1385, King Richard II., compassionating the poverty of the abbey and house of the apostles, Peter and Paul, of *Cnok* [Knock, near Louth and within the Pale], whose possessions, for the greater part, were burnt and wasted by the Irish, and considering how Richard, the abbot thereof, and his ancestors were born among the English, and were faithful in their allegiance to the Crown; did, on 14th November, 1385, of his special grace, and for the souls of his grandfather king Edward, and of his father, the lord Edward, grant that the said abbot should be of English state and condition, and free from all Irish servitude, and enjoy the English law and liberties; with a *pardon for acquiring the said abbey without licence*," [contrary to the Statute of Kilkenny].—Patent Roll, 9 Rich. II. Again, in the same year, "William, prior of the house of the blessed Mary of *Louth*, having diversly sustained immense expenses in defence of the country adjoining to the said priory, against the Irish; and as his ancestors were born among the English, and were faithful in their allegiance to the Crown, and many of his possessions had been destroyed and wasted by the Irish: he, therefore, obtained a grant of English livery or denization, to enjoy and use the English law, and all free customs and liberties, as the English did in Ireland, together with a pardon for having been appointed prior of the said house, *without license, he being an Irishman.*"—Same Roll, n. 59.

There were other reasons for being indulgent to the religious houses of the Pale, they

entre Englois soit exempt ou non desormais retenus nulle homes Irrois a leur profession mais receavent gens Englois sanz avoir consideration lequelles soient nees

sometimes served as border garrisons against the Irish. In A. D. 1406, the prior of Conall (county Kildare), who was a lord of Parliament, at the head of twenty men [whether monks or laymen is not stated] *fought valiantly* against 200 Irish, on the plain (now the Curra) of Kildare, killed some, and put the rest to flight; "*and thus God assisteth those that put their trust in him.*"—Henry Marleburrough's Chronicle, Dublin, 1809.—See also Gibson's Camden, vol. ii. This action was not singular, for in the old Irish times, A. D. 764, according to our excellent annalist Tigernach, himself a monk, a battle was fought between the monks of his own monastery, Clonmacnoise, and those of Durrowe: "Caṫ Argain itir familiam Cluana mic Nóis agus Darmuig ubi cecidit Diarmait mac Doṁnaill.—See Dr. O'Conor's Rerum Hibern. vol. ii. p. 257. This battle is given by Macgeoghegan in his translation of the Annals of Clonmacnois, before referred to, as follows: A. D. 759, "There was a battle fought between the *families* [i. e. the monks] of Dorowe and Clonvicknose, at Argamoyn, where Dermott Duff Mac Donell was killed." —See also the same annals, for other instances of conventual bravery, A. D. 756, and 1106, and Rerum Hib. as above at A. D. 760. The writer of this remembers well to have seen an Augustinian friar, father Nicholas Brennan, a man of prodigious strength and stature, stand for days, almost the only sentinel on the west bridge of Galway, to guard it against any irruption from Iar-Connaught. This was in the year 1798, when that town was left defenceless without a soldier, although the French lay within a day's march of it. Father Nicholas was a pious man, mild in his manners, and particularly charitable to the poor. On dark nights, and in bad weather, he usually carried his old clerke, John Finaghty, standing upright *in his pocket*, to weddings and christenings throughout the parish: but then it must be observed, that John was a small man, and that Father Nicholas's ample pockets, nearly double the size of Dr. Johnson's, would easily contain more than two sets of the Doctor's great Dictionary.

The religious houses of old were also favoured in other respects. They were resorted to for devotional performances, and men of the highest rank in the realm were frequently found among the *pilgrims*. Thus, on a Memoranda Roll, 35 Henry VI., A. D. 1456, preserved in the office of the Chief Remembrancer of the Exchequer, in Dublin, may be read the following Statute or Ordinance, passed in the Parliament there, A. D. 1454: "At the prayer of John Burnell, of Balgryffin, Esq. the king's escheator of the county of Dublin, that whereas the said John made a vow to perform certain *pilgrimages* to divers saints, and intends, in the name of our blessed Creator, to go unto the noble kingdom of England, to perform his said *pilgrimages* there, by the aid, and succour, and assistance of the most puissant lord, Gerot earl of Kildare, &c., it is enacted by the authority of the said Parliament, that the said John shall have license to absent himself out of this land of Ireland for nine months."—Original Roll. In the same Parliament was passed another Act, "that letters patents of

situate amongst the English [be it exempt or not], shall henceforth receive any Irishmen to their profession, but may receive Englishmen without taking into consideration

the king be made [in the form laid down] for taking into protection *all people, whether rebels or others, who shall go in pilgrimage* to the convent of the Blessed Virgin of Navan."—Original Statute Roll. In the Parliament holden at Dublin, 14 Edw. IV., A. D. 1475, it was enacted, "that all *pilgrims*, aliens, and denizens that come to visit the holy martyr and virgin, St. Catherine, at Feldstown, appropriate and annexed to the prebend of Clonmethan, and all their servants, goods, and chattels, shall be in the protection of the king, going and coming during said pilgrimage; and that no pilgrim be arrested, attached, summoned, or warned, by brief, bill, privy seal, commandment or other warrant, for debt, account, *treason, felony*, trespass, or covenant, or any other action; and whatever officer shall do so shall forfeit £20, half to the king and half to the prosecutor."—Id. In the Parliament immediately before, held at Naas, 12 Edw. IV. A. D. 1472, was passed an Act, confirming letters patent of Edw. IV. dated at Bristowe, 6 Sept. A. D. 1462, granting "to the abbot and convent of the house of our blessed lady of Trim, and their successors, two watermills in Trim, with the weirs, fisheries, &c., trees in the park of Trim, and services of the villeins of the manor, for the ordering, establishing, repairing, and continuance of a perpetual waxlight, from day to day and night to night, burning before the image of our Blessed Lady, on the pavement pedestal of our Lady in the church of the said house; and for the support of four other wax tapers, continually burning before the same, at the mass of the holy Mary, at the anthem of our Lady, to the honor of God and our said Lady; for the good estate of our sovereign lord, and Cecilia his mother, and of his children, and for the souls of their progenitors and ancestors." This Act also confirms other letters granting to them x. li. annually, out of the manor or lordship of Keldack, "for a special mass, daily to be chaunted, for the souls of the king's most noble father, and progenitors."—Id.

The grandchildren of these pious legislators, soon after pulled down those objects of their fathers' veneration. The succeeding century saw both the abbey and the image laid prostrate in the dust, and thus the above enactment of the Statute of Kilkenny has been virtually repealed. Alluding to the celebrated statue at Trim, George Browne, Archbishop of Dublin, thus writes to his patron, Crumwell; "there goithe a commen brewte amonges the Yrish men, that I entende to ploke down Our Lady of Tryme."—State Papers. A. D. 1538. At p. 25, *ante*, note (*u*), in an Act of Parliament there quoted, a miracle is stated to have occurred in the Abbey of Navan, about A. D. 1460. Among the famous Depositions before referred to, p. 43, note [*c*], and preserved in Trinity College Library, the following appears: "John Cliffe, late of Courteen, in the county of Wexford, saith, that he was certainly told at Arkloe, by divers persons that he gives credit unto, that, on the 5th day of March last, divers priests and friers met at Ramsford, near Newborrowe, to burn the library of bishop Ram, late bishop of Fernes and Leighlin; and whilst the books were burning, *a swarme of bees* came in

nees en Angleterre ou en Irlande et que autrement le fera et de ceo soit atteint soient ses temporallities saisees en le main de nostre Seignior le Roy a demerer

a

at the windowe of the roome where they were and *frighted* the priests and friers out of the roome.—Jurat. 27th Jun. 1642."—See also, "The State of the Protestants of Ireland, by his Grace William King, Lord Archbishop of Dublin," Ed. 1730, 8°. Appendix, p. 116, for a communication made to his Grace, "of a remarkable *accident* that happened upon plundering the church of *Trim*:" viz. "an eminent instance of God's vengeance shewn on one John Keating, a church rapparee, who attempted to break one of the folding doors leading to the communion table, and endeavouring with all his force to wrest the door from the hinges, immediately (as he thought) *saw several glorious and amazing sights*; but *one ugly black thing* (as he called it) gave him *a great souse upon the poll*, which did drive him immediately into so great disorder, that he tore all the cloaths off his back, and ran naked about the streets, and used all mad bedlam pranks whatever. He was put into the dungeon, where he remained for the space of 14 days, without either meat, drink, cloaths, or anything necessary for the support of nature; would not take as much as a drop of cold water; continually raved of the spoils of the church, and saying, 'that he took the most pains in breaking and taking off the hinges, and yet got the least share for his pains.' He died in a sad and deplorable manner. Sir, I dare assure you that this is a *great truth*."—See the entire narrative, as above. Though the Reverend Mr. Prowd, who communicated the occurrence, modestly called it "a *remarkable accident*," yet, in the opinion of some, it may reasonably rank with the other miracles before related.

[b] *In Ireland.*—Had Miss Edgeworth seen the Statute of Kilkenny, it is probable that the phrase "Englishmen born in Ireland" would have occupied a prominent place in her celebrated Essay on Irish Bulls. Indeed, from the antiquity of the phrase, and the respectability of its origin, it might, with propriety, have been made to commence a chapter on *legal* Irish bulls. It might even have suggested the idea of such a chapter, which would not be one of the least curious in the book, for Irish lawyers commit blunders as well as other people. The following Act, which passed in the Parliament held at Dublin, 20 Edw. IV., A. D. 1480, and which, at once, transformed Irishmen into English, might also be noticed. "In consideration of the loyal service done by Henry O'Neil, *captain of his nation*, and by his son, Con O'Neill, lately married to Elianor, daughter of Thomas, late Earl of Kildare, it is enacted, that the said Con be of free estate and condition in law, as the king's liege man, *and that he and his issue*, engendered or to be engendered by the said Elianor, *be adjudged English*, and of English condition; that the said Elianor may have and enjoy all manner of possessions, rents, and services within England, which she has or may have, without any impediment from the king, his heirs or successors; and that the said Con may plead and be impleaded, as the king's liege man, in all courts, as if he had been the king's subject."—Original Roll. This was an act of some moment at the time. O'Neil was married to the daughter of the Lord Deputy, and he was moreover con-

consideration whether they be born in England or in Ireland[h]; and that any that shall act otherwise, and thereof shall be attainted, their temporalties shall be seized

sidered, by the "mere Irish," as king, *de jure*, of Ireland. Alluding to him, Davies says, "I find that O'Neale himself, long after (viz.) in 20th Edward the Fourth, upon his marriage with a daughter of the house of Kildare (to satisfy the friends of the lady), was made a denizen by a special Act of Parliament, 20 Edward the Fourth, c. 8, Discovery, p. 79. Cox, who was rabid against the Irish, states in a kind of wonderment, "and *it seems* this Parliament naturalized Con O'Neal, who had married the Lord Deputie's daughter."—Hib. Anglic. vol. i. p. 172.

For the use of future collectors of Irish pun and blunder, I have been induced to abstract the following *legal* instrument, from an inquisitio *post mortem*, taken in the county of Roscommon, on 23rd June, 1614. "Know ye all that shall read or hear this writing, I Hu. Mac Melaghlin Modarra Mac Teige Hanile (Hanly), of Aghomannan, am taking Onora *nyn* Connall of Moybannan as and in the sort of my married wife, by the will of the Church, upon special terms, viz.: the first condition and tenure of it is, to marry the woman presently; and this is the number and some of goods and chattels that the said Onora doth give to me the said Hugh, viz., six incalfe cowes, and four cowes that hath milke, and three bulling *cowes* at the next somer, *and one of them a bull*, and five small *cowes*, called *Biroghs*, at the next May, and *one of them a bull*, and *the other a great bull*, and this is in all twenty, lacking one. We are, Mlaughlen and the foresaid Hugh, giving a *guive* of land in Aghamanagh, as a joynture or pawn to the said Onora for her said goods, till she the said Onora *nyn* Connell O'Kelly be satisfyed for the aforesaid goods. — Melaghlin Mc Edmond O'Kelly testis. Teighe Mc Connell, viz., *the perish smithe*. These were the men that were by, Dermott Mc Hugh, when he delivered a sodde as possession, and in the name of possession, unto Connor O'Kelly, in the half cartron above mentioned in this deed." —Original Inquisition, preserved amongst the records of Chancery, in the Rolls Office, Dublin. An acute English friend hearing the above read, could not be persuaded that it contained anything like an Irish bull, "for after all," said he, "what is a bull but a male cow." Leaving this to better judges. I may here observe that the word *nyn* means "daughter of;" *Biorach*, according to O'Brien, is a "cow calf," according to O'Reilly, a "female calf;" *guive* is an old Irish measure of land; and the "parish smithe" was then, as he is still, a personage of importance in the rural parts of Ireland. His forge is resorted to as the centre of news; he is himself usually invited to every wedding, and generally witnesses, as above, the marriage contracts. He is, moreover, entitled, as of ancient right, to the heads of all beeves and swine killed in the district. In return for these he performs numerous little services, viz., he makes rings for pig's noses, fastens horse-shoes, drives an odd nail in the cart, and, in former days, was always found handy at making a pike. But this latter part of his occupation, like that of Othello, is long since gone. To conclude, the parish smith's wake and funeral are generally well attended; and the natural good or bad qualities of his successor are a source of more anxiety to the

a sa volonte et que nul prelatz de St. Esglise recoievent nulle neoyff[1] as ascuns orders sanz assent et tesmoinnage de son Seignior faiet a luy sur son seale.

XV. Item pour ceo que les ministres Irrois venutz entre Englois espient les privities manieres et finnesses des Englois dont graundz maulx souvient en son advenuz[2] Accorde est et defendu que nuls ministres Irrois assavoires ffeidanes slelaghes[3] Babblers Rymers sertes ne nulle autre ministre Irrois viennent entre les

1. *hidoyff ?*.—2. *Souvent ent sont advenuz ?*—3. *skelaghes ?*

parishioners, than even those of the successor of the lord of the manor.

[1] *Spy.*—Spies generally abound "in a land which is at war;" consequently, they may be expected in a country which, like Ireland, has seldom been at peace. In addition to the evidence of our Statute, a few instances taken from the Annalists of the Irish, and from the English records yet remaining, may suffice to illustrate this point. In the ancient oath of office taken by the Provost of Dublin, and entered in the White Book of the Exchequer there, see Doctor Walsh's History of Dublin, pa. 174, that officer was sworn, "to banish all country *beggars* from this city, who come several times only for *spies;* and not to forget Rotherick's deceit by sending them beforehand, when he besieged this city." This curious clause continued part of the oath, for upwards of 300 years after Roderic O'Conor, King of Ireland, had besieged Dublin. The circumstance alluded to is not mentioned by Regan.—See his Fragment in Hibernica, p. 9.

The Four Masters, at A. D. 1249, relate that Donough O'Gilla-Phatraic (Fitzpatrick) a chieftain of Ossory, was slain by the English; who, say they, were perfectly justifiable in killing him, for that he had before that time killed, burned and destroyed multitudes of them. The annalists then add, that he was one of the three greatest plunderers of the English ever known in Ireland, the other two being Connor O'Melaghlin, and Connor of the Castles Mac Coghlan: and that he had been in the habit of going about through the market towns, as a *spy* on the English; sometimes disguised as a beggar, sometimes as a carpenter, or a turner, or some other tradesman, and often as a pedlar selling his wares. "Oir ar é ceǧeaᵭ oo ḃraċ na m-bailteaᵭ marccaiǧ, ı g-cruᵭ ᵭume ḃoiᵭ, nó ɟaᵭóir, nó torpóra, nó ealaᵭna, no oo ᵭéanaṁ ceroe ceannaiǧ."—Macgeoghegan from the Annals of Clonmacnoise, at the same year, says, that Donogh "in his own person did use to goe to take view of the Englishmen's towns and forts, in the habit of a poore man, carpenter, turner or other tradesman." To the same effect, the following *rann* is given by the Four Masters:

ᵭiᵭ na ɟaér, biᵭ na ᵭorpóir,
ᵭiᵭ mo laoċ na leaḃróir,
ᵭiᵭ aǧ rec ḟíona ır ċroicionn
Mar a b-ɟhaiceann re ın reannmoir.
He is a carpenter, likewise a turner,
Again, my hero is a travelling bookseller,
He also deals in wine and hides,
Wherever he sees a crowd.

It appears by an unprinted Act, passed in the Parliament held at Dublin, 7th Henry VI., A. D. 1429, that the same system of *spying* was then carried on.—6. "Likewise, inasmuch as in time of peace and truce, sundry Irish

seized into the hands of our lord the king, so to remain at his pleasure; and that no prelates of holy Church shall receive any . . . . . to any orders without the assent and testimony of his lord, given to him under his seal.

XV. Also, whereas the Irish agents who come amongst the English, spy[i] out the secrets, plans, and policies of the English, whereby great evils have often resulted; it is agreed and forbidden, that any Irish agents, that is to say, pipers, story-tellers, bablers, rimers[j], mowers, nor any other Irish agent shall come

enemies come and converse among the English subjects, and *spy* their different secrets, power, ways and contrivances."—Orig. Roll. That the system of *espionage* had been mutual might easily be shown. King James I. directed *spies* to be employed against the Irish.—Roll of Patents, 19th James I. Part i. No. 107.

The word "neoyff," in this section, seems a clerical error. The proper reading may be "hidoyff," which would be translated, idleman; or it may be, as ingeniously suggested by the learned Editor of Grace's Annals, lately published by the Archæological Society, the Reverend Mr. Butler of Trim, "seorf," villein: and this reading he supports by the fact, that the lord lost his villein when he was admitted to orders.

[i] *Rimers.*—The inhabitants of the Pale appear, at all times, to have had the greatest dread of this particular class of "Irish agents;" and, accordingly, several proclamations, and even acts of Parliament against them, may be seen on record. In the same degree that the "Rimers," by whom must be understood bards and minstrels, have been encouraged and cherished by the Irish, who were always fond of music and song, so far have these same Rimers been proscribed and hated by the English. Here it may be observed, that I use this latter word "English," throughout, according to the Statute. The Irish minstrels, however, fared better than their brethren of Wales.—See Warrington's History of Wales vol. i. book 9. It must be confessed, that if the more ancient Irish "Rimers" resembled those of the time of Elizabeth, as described by Spencer, the inhabitants of the Pale had good reason to proscribe and avoid them. But although Spencer's description agrees with the recitals contained in Articles entered into between the Earl of Desmond and the State, A. D. 1564; see Patent Roll, 6th Eliz. dorso, and Harris's Ware, vol. i. p. 127; yet that both are overcharged might easily be shown, if this were the proper place.

In A. D. 1414, according to the Four Masters, Sir John Stanley, Lord Lieutenant of Ireland, who was hated both by English and Irish, in an incursion upon the latter, took a considerable prey of cows, from the bardic tribe of O'Higgins, of Westmeath, of whom Niall O'Higgin, the son of Hugh, a famous bard, or "*Rimer*," was the chief. This roused the ire of the chieftain bard; and he composed an aoip, or satyric Irish lampoon, mixed with bitter imprecations against the Lord Stanley, who died in five weeks after; the bitterness (nim, poison) of the satire having, as the annalists relate, caused his death. They further state, that two "*poetical miracles*" (fiortu filiḋ) were performed by this Niall O'Hig-

les Englois et que nul Englois les receivent ou faire don a eux Et que le fera et sera atteint soit pris et emprisonne sibien les Irrois ministres come les Englois que

gin, viz., that just mentioned, and the other upon the tribe of *Clann-Conmhaighe*, who had also plundered him, and who were defeated at Cladann, the night after they had committed the plunder.—"Ro aoppat iap-ám̓ muincip Uiġinn im Niall, Iohn Stanlae, aġup ní paibe beó ſapp an aoip pin acc cúiġ pecċmaine namá, an ċan puap bár oo neam̓ (.i. nim̓) na n-aop; aġup ap é pin an oapa piopc pilió oo ponaó pop Niall ua n-Uiġinn, .i. Clann Conomaiġ oo leṫaó aiṫċe creiċe Néill h-i Claoainn, aġup Seon Stanlae oo ecc."—Four Masters, A. D. 1414.

This power of the bards is of ancient belief in Ireland.—See Book of Ballymote, fo. 77, p. *b*, col. *b*. "The *poet* (pile), whose only son they had killed, continued, for a full year after, to *satirize* (aeraó), the Lagenians, and bring fatalities on them; so that neither corn, grass, nor foliage grew for them that year.—Co nap ṗar arbur, ná pép, na ouilli leo, co ceann m-bliaóna." This occurrence took place before the introduction of Christianity. On this subject there is also extant a singular poem, addressed, in the sixteenth century to the O'Briens of Thomond, by the Irish bard of that territory, Teige Mac Daire, in which he states that he has a deadly weapon—a poisonous satire—to cast, which would cause shortness of life, and against which neither the solitudes of valleys, the density of woods, nor the strength of castles, would protect his enemies. He then adduces examples from Irish history, of the destruction caused by the *satires* of ancient bards, among which he enumerates the satire composed by Crithmbheal the satirist, for Breas Mac Ealathan; the one composed by Neidhe for Caicher, king of Connaught, which at first, by supernatural means, disfigured his face, and finally caused his death; and the one composed by Dallan Forguill, which wounded and withered King Aodh Mac Ainmire. The bard then warns O'Brien not to force him to fling this ominous weapon at him—a weapon, which from its *miraculous* nature, would extinguish all his good deeds, raise a disgraceful blush in his cheek, check his prosperity, and shorten his life.—Abstract by Mr. O'Donovan. The fame of the Irish bards in this respect reached even to England. Thus, Reginald Scot, in his Discoverie of Witchcraft, states, "the Irishmen will not sticke to affirm that they can *Rime* either man or beast to death. Also the West-Indians and Muscovites do the like."—Book iii. c. xv. p. 35. In some remote parts of Ireland, many people believe, even to this day, that *poetical miracles* may be performed. By which they mean, as well as I can collect, that a severe satire or lampoon, mingled with curses, might induce such a settled grief or melancholy on the object of vengeance, as would miraculously lead to premature dissolution. Whatever credit may be given to the alleged cause of Sir John Stanley's death, it is certain that it took place at Atherdee (*Ardee*), within three months after he landed in Ireland.—See Cox and Leland, who, with Ware, affirm that it happened in A. D. 1413, wherefore the Four Masters appear erroneous in setting it down at A. D. 1414, as above.

However obnoxious the minstrels might,

come amongst the English, and that no English shall receive or make gift to such; and that he that shall do so, and be attainted, shall be taken, and imprisoned,

in general, have proved to the English, yet, it sometimes happened, that a fugitive bard, for special reasons, found favour in their sight. Thus, by letters patent, 25 Oct. 1375, reciting that Dowenald O'Moghane, *an Irish minstrel* residing among the English, had constantly remained in the fealty, peace and obedience of the King; and that he had *inflicted divers injuries on the Irish enemies*, for which reason he durst not approach near them: it was conceded, that *he* might continually reside among the English, and that *they* might receive and entertain him, notwithstanding the Statute.—Patent Roll, 49 Edw. III. n, 164. This, however, occurred but seldom. In the Parliament held at Dublin, A. D. 1475, before referred to, an Act passed for seizing the "goods of the *Rimers* and Hermits who come into the county of Kildare, and remain in the English land without license, and succour the Irish enemies with victuals."—Original Statute Roll. On 27th January, 1540, a general pardon was granted to Owen Keynan (Keenan) of Cappervarget, in the county of Kildare, *harper*, otherwise called Owen Keynan, servant of Gerald late Earl of Kildare, otherwise Owen (*the*) *Rymour*, otherwise Owen Keynan, the *poet*, otherwise Owen Keynan, *Keyeghe* Berde (*the blind bard*), and for Cornelius Keynan of Cappervarget, *harper*, otherwise called Cornelius Keynan, son of Owen Keynan *Keyeghe*, otherwise Cornelius (*the*) berde (*bard*).—Patent Roll, 32, 33 Hen. VIII.—See, also Harris's Ware, vol. i. p. 127, for a curious extract concerning "Rimers," in A. D. 1565, taken from the Patent Roll above referred to, 6 Eliz. The "tuneful tribe" must, about this time, have been numerous in Ireland, for a single patent of "general pardon," granted to *a part only* of the inhabitants of county Sligo, and dated 19th April, 1603, Rot. Pat. i. p. 3, No. 7, includes upwards of thirty bards, *Rimers* and harpers, chiefly Mac Firbises, O'Higgins, Mac Nemies, Wards, O'Daly's, O'Finan's, &c. For most of these Bardic names see O'Reilly's Irish writers, Dublin, 1820.

Here it may be considered not irrelevant to ascertain in what degree of estimation these "Rimers," and other "Irish agents," had been held among the Irish themselves. For this, Harris's Ware, vol. i. p. 125, and Walker's Memoirs of the Irish bards, Dublin, 1786, may be consulted. In addition to them, the following hitherto unpublished document may be considered as somewhat interesting: "A. D. 1451. Though this year is a year of grace (*jubilee*) with the Church, it is an inauspicious and unglorious year to all the learned in Ireland; both philosophers, *poets*, guests, strangers, religious persons, souldiers, mendicant and poor orders, and to all manner and sorts of the poor in Ireland: and also for the general support of their maintenaunce's decease, viz. *Margaret, daughter of Thady O'Carroll, king of Ely, O'Connor Fuly* (*Calvagh's*) *wife*, a woman that never refused any man in the world for anything that she might command, only besides her own body. It is she that twice in one year proclaimed to, and commonly invited, i. e. in the dark days of the year, *viz.* on the feast day of *Da Sinchall Mac Killaichy*, all persons, both *Irish* and *Scotish*, or rather *Albains*, to two general

que les receivent ou donnent rien et puis soient reinttees a volunte du Roy et les instruments de leur ministralitie forfaire a nostre Seignior le Roy.

XVI. Item accorde est et assentu que nule home eshape desormais soit adjuge devers nully par nulle enqueste doffice avant que la partie devers que eshape deust estre adjuges soit mesme en responces ou conyee mesme la chose ou plaie de recorde coment que avant ces heures autrement a este use.

XVII. Item accorde est et assentu que nul home de quel estate ou condicion quil soit sur forfaiture de vie et des membres teigne Kernes hobellours ne hardives gens en terre de paix a grever le loyall peuple de nostre Seignior le Roy mais

feasts of bestowing both meat and moneys, with all other manner of gifts. Whereunto gathered to receive gifts about 2700 persons, besides gamesters, and poore men, as it was recorded in a roll to that purpose, and the account was made thus, *ut vidimus*, viz. The chief kins of each family of the learned Irish was, by *Gilla-na-naomh Mac Ægan's* hand, written in the roll, the chief judge to *O'Conuor* and his adherents and kinsmen; so that the aforesaid number of 2700 was listed in that roll, with the arts of *dann* or *poetry*, *musick* and *antiquitie*. And *Maelin O'Maelrony*, one of the chief learned of Connaught, was the first written in the roll, and first payed and dieted, or set to supper, and those of his name after him; and soforth every one as he was payed, he was written in the book for fear of mistake, and set down to eat afterwards. And *Margaret* on the garrets of the great church of Da Sincall (*Killeigh*) clad in cloth of gold, her dearest friends about her, her clergy and judges too; *Calvagh* himself on horseback by the church's outward side, to the end that all things might be done orderly, and each one served successively. And, first of all, they gave two chalices of gold, as offerings that day, on the altar of God Almighty, and she also caused to nurse or foster two young orphans. But so it was, we never saw or heard neither, the like of that day, nor comparable to its glory and solace. And she gave the second inviting proclamation to every one that came not that day, on the feast of the assumption of our blessed lady Mary, in harvest, at or in *Rath I Mayu;* and so we have been informed, that that second day in *Rath I Mayu* was nothing inferior to the first day. And she was the only woman that made most of preparing highways, and erecting bridges, churches and *mass-books*, and of all manner of things profitable to serve God and her soul; and not that only, but while the world stands her very many gifts to the *Irish* and *Scottish* nations shall never be numbered. God's blessings, and the blessings of all saints, and every one's blessing, from *Jerusalem* to *Iuis-gluair*, be on her going to heaven, and blessed be he that will read or hear this for blessing her soul." —The foregoing extract is taken from the translations, out of Irish, of part of the Annals of the Mac Firbises, made in the 17th century, by the celebrated Irish antiquary, Duald Mac Firbis, for Sir James Ware. A transcript of these translations, in the handwriting of Harris, the Editor of Ware, is preserved among his MSS. in the possession

soned, as well the Irish agents as the English who receive or give them any thing, and after that they shall make fine at the king's will; and the instruments of their agency shall forfeit to our lord the king.

XVI. Also, it is agreed and assented, that no man's escape[k] henceforth shall be adjudged against any, by any inquest of office, before the party against whom the escape ought to be adjudged, be himself put to answer or acknowledge the fact, or plea of record, although heretofore, it has been otherwise practised.

XVII. Also it is agreed and assented that no man, of what estate or condition he be, upon forfeiture of life or of members, shall keep kerns[l], hoblers nor idlemen in land at peace, to aggrieve the loyal people of our lord the king; but

of the Royal Dublin Society. The extract is also curious as the only specimen of Mac Firbis's *English* hitherto printed. For "*Da Sinchall Mac Killaichy*" (*St. Sinell or Sinchell*), see Colgan, Acta SS. p. 191; Four Masters, A. D. 548; and Lanigan, vol. i. p. 441. "*Rath I Mayn*," now Rathangan, co. Kildare. "*Inis Gluair*," a part of the ancient principality of the great Irish family of O'Dowda, co. Sligo.

[k] *Escape.*—Echapper, i. e. effugere, to fly. Escape in general is understood, where any person being under lawful arrest, and restrained of his liberty, either violently or privily evades such arrest and restraint, or is suffered to go at large before delivered by due course of law.—2 Bacon, Abr. 234. He who by charter is quietus de *escapio*, is delivered from the punishment which, by the laws of the forest, lieth upon those whose beasts are found within the land forbidden.—Cromp. Jurisd. 196.

[l] *Kerns.*—For a description of these ancient Irish soldiers and retainers, see Harris's Ware, Antiquities, vol. ii. chap. xxi. p. 161. War was the trade of the *kerns*, who were a kind of ancient *Swiss*, fighting by turns for both parties, Irish and English.—See Spencer's account of them, View, p. 118, which, though overcharged, yet contains much truth. From an early period, they had been retained by the English here, particularly those bordering on the Pale. Toward the marches they quartered on the free tenants, farmers, and other tenants, and committed various acts of outrage and oppression, not sparing even their maintainers, whom, although they served, they still considered as their natural enemies. To repress these evils, an Act was passed A. D. 1310, 3 Edw. II. ch. 2.—See the printed Irish Statutes. One of the Ordinances, 5th Edw. III. A. D. 1331, before quoted, p. 5, note (*c*), was "that no person shall maintain nor lead *kernes* nor persons called *idlemen*, except in their proper marches, and at their own costs, nor make prizes." This ordinance is thus alluded to and quoted by Ware, "In rotulo clauso ann. V. Edwardi III. Memb. 25, inter articulos in Hibernia observandos, sextus est contra sustentatores & ductores *Kernorum & gentis vocatæ* Idle-men, *nisi in Marchiis* (sive confiniis) *suas proprias ad castas*. Ita Archivum arcis Londinensis."—De Hibern. cap. XII. See also, Harris, vol. ii. p. 161, as before. This ordinance was re-enacted, with additions, A. D. 1440, 18 Hen. VI. ch. 3. See the printed Irish Statutes, p. 4, upon which an intelligent

mais que les veulle tenir les teigne en la marche a ces costanges propres sans rien prendre de nully encontre leur volonte et sil advient ou nul home de Kerne ou nul autre preigne nulles maniers des vitailles ou autres biens de nul autre contre sa volunte soit que hue et cric levet sur luy et soit pris et mande a la Geole

writer in the Anthologia Hib. vol. i. p. 107, says, "We have here a disagreeable picture of the wretched state of Ireland, the weakness of its government, and the oppression practised. The marchers who should have protected the borders of the Pale, leagued with the Irish, suffered them to make irruptions, and joined with them in pillage." I take this opportunity of directing attention to this writer in the Anthologia Hibernica. He signs D. H., and was probably at the time, 1793, an Irish lawyer. I mention him, in consequence of the following passage: "The foregoing are extracts from *a new history of Dublin, which has long engaged the writer's attention*, and which, if executed with proper care, cannot fail to be an interesting and very curious work. Very little use is made of Harris, who is full of gross errors and misrepresentations." —Anthol. Hib. vol. i. p. 275. Perhaps this writer, and the history alluded to, neither of which I can trace further, may be known to my learned friend, Dr. Walsh, one of the authors of the History of Dublin, printed A. D. 1818. On the original Statute Roll, containing fourteen Acts passed in the Parliament held in Dublin, 7th Hen. VI. A. D. 1429 (and of which only one, viz. "An Act for the additions of Jurors," appears in the printed Statutes), I find the following: 10. "Likewise, it is agreed and assented, that henceforth it be not lawful to any soldier, hobler, or *kearnagh*, nor to any other person to take from any subject any money, victuals, [*or*] carriages, for any hosting or expedition upon the Irish enemies, or English rebels of our lord the King, without making due payment therefore to him, but that due payment be made, and that he who doth the contrary, render double [*one moiety to the party, and the other*] to the King."—Orig. Roll. But to pass to later times. Though a succession of laws and ordinances appears against the *kerns*, yet they were frequently employed by the State, often at home and occasionally abroad. In A. D. 1544, 700 horsemen, footmen and *kerns* were sent from Ireland to France, by the king's orders, where they performed essential services, particularly at the siege of Boulogne. See Cox, vol. i. p. 277, and Holinshed, p. 103. Also State Papers, part iii. vol. ii. p. 444, for the curious description of those Irish soldiers given by Sentleger to Henry VIII. in A. D. 1543, and which evidently induced the King to order the above number to be sent to France the year after. The kerns were, notwithstanding, at all times, the terror of the settlers. In that prejudiced but curious production, "The Image of Irlande," by John Derricke, London, 1581 (12mo. black letter), reprinted by Sir Walter Scott in his Edition of "Somer's Tracts," vol. i. p. 558, Lond. 1809, the "Irish wood-kerne" are described as little short of incarnate demons. But the Scottish traveller, Lithgow, honestly states the reason, "the wood-kerne are a great discouragement for *our* colonized planters there."—Travels, p. 431. In the succeeding century the *kerns* wholly disappeared. A. D. 1604, a proclamation issued for "disarming

but that he who will have such shall keep them in the march at his own expense, without taking anything from any person against his will: and if it happen that any man, whether a kern or any other, shall take any manner of victuals or other goods of any other against his will, hue and cry[m] shall be raised

kearnes and prohibiting persons travelling from carrying any arms except a sword and dagger, and foot-travellers from carrying any whatsoever."—See Patent Roll, 16 Jac. I. p. 5, n. 12. In A. D. 1609, an effectual mode of getting rid of them was adopted. Captain John Sandford "conducted the loose *kerne* and swordsmen of the province of Ulster, to the service of the King of Sweden, disburthening the country by that means of many turbulent and disaffected persons, who would otherwise have troubled the peace."—Id. 5, 11 Jac. I. n. 55. At the present day, to call a gentleman, or *half*-gentleman, a *kern*, is intended and taken as a mark of disrespect.

[m] *Hue and cry.*—Hutesium et clamor. Fr. Huer et crier, both signifying to shout, or cry aloud. Manwood, in his Forest Law, cap. 19, num. 11, says, that *hue* in Latin, est *vox dolentis*, as signifying the complaint of the party; and *cry* is the pursuit of the felon upon the highway, upon that complaint. The regular method of raising hue and cry was, for the party to go to the constable of the next town, declare the fact, and describe the offender, and the way he had gone; whereupon the pursuit commenced. This, like the other forms and practices of old English law, had been in use within the Pale from an early period. On a roll of the Common Bench (Pleas), 8, 9 Edw. I. A. D. 1280, preserved in the office of the Chief Remembrancer of the Exchequer, Dublin, the following entry occurs: "Dublin, SS. Osbertus Furlang sequitur et appellat Johannem Cass, quod, ubi idem Osbertus fuit in pace Dei et domini Regis in villa Weyseford, die sabbati proxime post festum purificacionis beate Marie, anno regni Regis octavo, in vico qui dicitur Marketstrete, ex opposito domus Willielmi de Eston, circa horam nonam, predictus Johannes eidem Osberto nequiter et . . . . . insultum dedit, et ipsum, cum uno cultello hybernico, forestallavit et robiavit de sex denariis quos habuit ligatos in panno canisie, *et levavit huthesium et clameum*, et deinde fecit sectam de predicta villa usque ad quatuor villas proximiores, et hoc paratus est," &c.—Original Roll, membrane 5. This old form of law is now obsolete; but the name is still preserved in a well-known printed sheet called "The Public Hue and Cry," transmitted weekly, by the chief Magistrates of Dublin, to various parts of Ireland. It contains minute descriptions of individuals charged with the commission of crime; and generally gives the following notification: "Whenever it is desired that any individual, by name, shall be apprehended, it is indispensably necessary that an attested copy of the information sworn before the magistrate be transmitted to the magistrates of the Head Police Office, along with the advertisement for insertion in the *Hue and Cry*. It is requested that all gaolers will make a return to this office of any prisoners who may escape from gaol, with their description, and the nature of their offences." Although the ancient name only is retained, it is still considered an indelible disgrace to be proclaimed in the "Hue and Cry."

Geole sil veuille rendre et si non mais faire resistance a force si sont que ne veuille attachement suffice soit faicte de luy come de robbeurs appert et tiel maner pris soit tenuz pour roberie et en cas que telles melefacteurs diffuent latachement que nul home les pourra prendre adonque respreigne[1] son Seignior ou le meneur pour luy et face gre a la partie quest este endomage et sil faicte gree a la partie ayt le Roy la finite[2] devers luy sibien pour luy mesme come pour la partie et ceux qui ne levent a celle hue et crie soient tenuz et puniz come mainteneurs des felons et si nul home tengue ou mene kernes hobbelours ne Idoyves gens autrement que disser[3] est dict en jugement de vie et de membres et soient ces terres et tenements forfaites.

XVIII. Item soit en crie fait que tous iceux que sont ore hidoyves gent et veulent prendre terre du Roy vienent a mon Seignior le Duc lieutenant nostre Seignior le Roy dirlande Chanceller ou au tresorier du Roy preignent terres gastes

1. *respoigne.*—2. *fuite, suite,* or *suirte?*—3. *desuis?*

[n] *Idlemen.*—See Harris's Ware, vol. ii. p. 186. These Idlemen, or "poor gentlemen," as Sir John Davies calls them, were numerous and dangerously influential in former times. As to their number, the same writer says, "there are not to be found in any kingdom of Europe, so many gentlemen of one blood, family and sirname, as there are of the O'Neils in Ulster, of the Bourks in Connaught, of the Geraldines and Butlers in Munster and Leinster; and the like may be said of the inferior bloods and families."—Discovery, fo. Ed. p. 37.

The policy of the English government in Ireland towards these "Idlemen" has, in general, been that of conciliation. This appears, as well from the above enactment of the Statute of Kilkenny, as from numerous other proofs on record. But they were, at the same time, frequently visited by severe laws and penalties.—See the printed Irish Statutes for the Act 3 Edw. II. before referred to, n. l.; and the following hitherto unprinted Act, passed in the Parliament held at Dublin, 2 Edw. IV. A. D. 1461, "That every lord and gentleman shall vouch and answer for such *Idlemen* as they take into their service, either within doors or without, and that every such lord or gentleman shall come to the guardian of the peace of every barony, or by their letter of seals shall certify an account of all their *Idlemen*, for whom they will vouch and answer; and if they or any of them shall not do so, then if any *Idleman*, either on horse or foot, shall come into any barony, that it shall be lawful for any of the King's liege people to seize and apprehend them and their horses, to remain at the will of the King; and if any lord or gentleman shall maintain such man so taken and arrested, unless he be entered on record, with the guardians of the peace in every barony, that then said lord, or whoever he be who maintains and supports him, shall suffer the penalty of £10, one half to the

raised against him, and he shall be taken and committed to gaol if he will surrender himself, and if not, but he rise to make resistance by force, so that he will not suffer the attachment, it shall be done to him as to open robbers; and such manner of taking shall be considered a robbery; and in case such malefactors fly from the attachment, so that no man can take them, then his lord or leader shall answer for him, and shall make satisfaction to the party who has been damaged; and if he shall have made satisfaction to the party, the king shall end the flight against him as well for himself as for the party; and those who do not rise at such hue and cry shall be holden and punished as maintainors of felons; and if any man keep or maintain kerns, hoblers, or idlemen, otherwise than is above-said, he shall be in judgment of life and members, and his lands and tenements shall be forfeited.

XVIII. Also, that it shall be proclaimed that all those who are now idlemen[n], and are willing to take land of the king, shall come to the Lord duke, lieutenant of our lord the king of Ireland, the chancellor or treasurer of the king, and

king, and the other to him who will sue for the same." — Original Roll. Another unpublished Act of the same reign, A. D. 1472 (12 Edw. IV. c. 19), recites, that "Laurence Taaf knight, John O'Muhmyghell *idleman*, servant to the said Laurence, and others came, with divers English rebels and Irish enemies, to Lowanstown and Kellystown, in the ninth year of the King, and robbed and spoiled the tenants of James Fleming, Esq., Baron of Slane, of 140 cows, value 4*s.* each; 11 bullocks, price 5*s.* each; 7 score sheep, price 10*d.* each; and 60 hogs, price 20*d.* each."—Id.

The term "Idleman" was unknown among the "mere Irish." It is said to have been originally borrowed by the English of the Pale, from the Saxon ædel, noble, and applied to the idle Irish gentry above alluded to. In process of time, it comprehended other classes of "Irish agents." Thus, in the extract from the articles assented to by the Earl of Desmond, A. D. 1563, given by Harris, vol. i. p. 127, it may be seen, that "rymers, bards, and dice-players, called Carroghs, all come under the name *Idlemen*. It is, therefore, doubtful to which class the following belonged. "Tumultaghe McDonaghe of Bewley, otherwise Danusyn O'Donogh, *idilman*, obtained a grant of general pardon, particularly for the murder of Hugh, otherwise Odo Nawit O'Flanagan, *idilman*." —Patent Roll, 24, 25 Hen. VIII. In the succeeding century the term fell into disuse, and finally disappeared. Thus, the "loose idle vagrants, and such as pretend to be *Irish gentlemen*, and will not work nor betake themselves to any honest trade, but wander about demanding victuals, and coshering from house to house, amongst their fosterers, followers and others," mentioned in the Act 6 Anne, ch. xi. A. D. 1707, would, in more ancient times, have been called *Idlemen;* for they truly were "poor gentlemen," deprived of their estates by the wars and confiscations of the seventeenth century, and thrown *idle* on the world.

gastes du Roy a fee ou a ferme et si veulent prendre del autres seigniors viennent a eux ou a leur seneschall en mesme maniere Et que nul marchies ne autre tiegnent parlement ne daliance ov nul Irroys ou Englois qui soit contre le paix sans congie de la Courte ou en presence du viscount nostre Seigneur le Roy ou des gardiens de la paix quils puissent voir que tiell parlement ou aliaunce soit pour commune proffict et non pas singulier et qui le face ent emprisonement et soit reins a la volonte du Roy.

XIX. Item ordeigne est et establie que si aseun de liandge[1] ou de aerdauntz ou de retenauntz de aseun chieftayne de linadge Engleis dedins la terre dirland quel

1. *Linage.*

[a] *Parley.*—From an early period it had been unlawful for the inhabitants of the Pale, and the other "English" in Ireland, to *parley* or hold conference with the "Irish enemies." One of the ordinances of Edw. III. A.D. 1352, follows almost in the words of our Statute: "Also, that no marchers or others shall hold *parley* nor conference with any Irish or English, who shall be against the peace, without leave of the Court, or in presence of the sheriff of our lord the King, or of the wardens of the peace; so that these may see that such parley or conference be for the common profit, and not for that of an individual; and whoever does so shall have imprisonment, and be ransomed at the will of the King."—Memoranda Roll, 25, 26 Edw. III. But, as such conferences often became indispensable, licenses to hold them were generally obtained, as well by communities as by individuals; and many such licenses, "licentie parliamentandi et tractandi," remain on record. The following unpublished Act, passed in the Parliament held at Naas, A. D. 1462, 12 Edw. IV. c. 26: "Likewise at the prayer of the mayor and bailiffs of the city of Waterford: whereas they, of necessity, must be out of the city to *parley*, as well with the Irish enemies of the king as with English rebels; and also, in time of pestilence, quit the said city for safety of their lives, and now in this year of grace [*jubilee*] propose, by the grace of God, a pilgrimage to St. James, in Spain: it is ordained, that they may quit the said city at all times, for the causes above mentioned."—Orig. Roll. See the curious account of a *parley*, between the lord deputy and Brian O'Connor, chieftain of Offaly, in A. D. 1538, which, as "the sayd Bryan wolde in no wyse come into the Englyshe Pale to *parle*," took place at "a forde called Kennafad, on the borders of the King's countrie of Offale."—State Papers, part iii. vol. ii. p. 554.

The mutual ignorance which those unfortunately circumstanced people, the Anglo-Irish and mere Irish were in, of their very opposite languages, often proved an impediment in the way of their "*Parlies.*" Thus, of a conference between the lord lieutenant Surrey, and Donogh O'Carroll, A. D. 1520, the former writes, "He," O'Carroll, "can speke noon English, and therefor, I caused Justice Brymynham and Sir William Darcy to examine him."—State Papers, part iii. vol. ii. p. 44. Besides this,

and shall take waste lands of the king, in fee or to farm, and if they wish to take of other lords, they shall come to them, or to their seneschal, in like manner. And that no marcher, or other shall hold parley[o] or alliance with any Irish or English who shall be against peace, without leave of the Court, or in the presence of the sheriff of our lord the king, or the wardens of the peace, that they may see that such parley or alliance is for common and not for particular benefit; and he who does to the contrary, shall be imprisoned, and make fine at the king's will.

XIX. Also, it is ordained and established, that if any of the lineage, or of the adherents[p] or retainers of any chieftain of English lineage, within the land of

other proofs could be adduced, that many of the law judges, and other high officers in Ireland, understood the Irish language, before and long after the period alluded to, viz. A. D. 1520. At the present day, not a judge in this land understands Irish, so as to examine an Irish witness; and the same might be observed of their predecessors for more than a century and a half. Even among the present practising barristers it would be difficult to find one capable of doing so. The writer remembers the trial of a man charged with a capital offence, whose life was saved, by a bystander in court detecting the *interpreter* ignorantly translating an important part of the evidence of an Irish witness. On this evidence the man's life depended, and when correctly explained to the judge and jury, it led to his acquittal.

[p] *Adherents.*—The following singular compact solemnly entered into in A. D. 1324, between the then Monarch of England, and his powerful nobles of English descent in Ireland, will sufficiently illustrate this part of our Statute. "It is accorded, undertaken and agreed, by the prelates, earls, barons and all the commons in full parliament, at Dublin, in the month of *Easter*, in the seventeenth year of the reign of our lord the King, Edward son of King Edward, in the presence of the justice, chancellor, treasurer and all the others of the council of our lord the King in Ireland, that the common law, the ordinances of Dublin, with the good customs of the land, shall be held and maintained in every of their points; and for the emendation of the same, the said earls, barons, and the other grandees of lineage, for the pleasing of God, holy Church, our lord the King, and the people, have granted and undertaken, until the next parliament, that they, according to their power, will take and cause to be taken, the *felons, robbers and thieves of their family and sirname*, and their *adherents*, without breaking their obligations, in the territory of the marches, and all other felons and notorious malefactors, who shall be found and received in their lordships, in land of peace, at their proper costs, and within their counties, where they can find and take the said felons and malefactors, without peril of their bodies, or expense of costs; and those who shall be thus taken, they will bring, or cause to be brought, to the Courts of our lord the King, to be amenable to justice, saving the estate of lords of franchises, as right is. And the said earls

quel le dit cheftayn poureu chafler fare[1] aſcun treſpas ou felonie que le dit cheftein apres quil eit[2] ent notiz qil fare[3] prendre le dit misfessour et luy maundre a la prochin gaola illonques a demourer tanque qil soit delivere par lei et si le dit chefteyn[4] ne veile ceo faire que son corps soit pris pour le dit mesfessor et detenutz en prison tanque le corps le mesfessor soit renduz a la court nostre Seigneur le Roy destre justisable come de suis est dit et maintenens soit[5] de[6] le dit

1. *ponrra chastier face.*—2. *aura.*—3. *face.*—4. *delivere par la loy et si lesdit chieftayn.*—5. *non moiens.*—6. *de*, not in B. M.

and grandees pray, that they may be absolved in the ancient form of holy Church, of the sentence passed at Kilkenny for all trespasses, and that the renewal of that sentence be respited until the next parliament, which prayer is granted to them by all the prelates, the justices and others of the council. In witness whereof, Richard de Bourk, Earl of Ulster; Thomas Fitz-John, Earl of Kildare; John de Bermyngham, Earl of Louth; Maurice Fitz-Thomas; John de Barry; John le Poer of Dunoyle; Arnald le Poer; Thomas le Botiller, Richard de Tuyt; Nicholas de Verdun; Maurice de Rochefort; Reymund Lercedekne; Thomas de Dene; Richard de Waleys; Robert Fitz-Mathew de Cauntetoun; George de la Roche; and David Fitz-Alex. de la Roche to the part of this indenture remaining with the lord the King, have put their seals; and to the part remaining with the said nobles, our lord the King has put his seal. Given at Dublin, the day and year aforesaid." The foregoing curious document is translated from a Close Roll of the 18th year of Edw. II. preserved in the office of the Chief Remembrancer, Dublin.

[q] *Gaol.*—Formerly gaols were not so numerous in Ireland as they are at the present day. It appears that in A. D. 1302, the English rulers had no gaol throughout the whole region of Connaught; although they had a sheriff, Richard de Bermengeham, there at the time. "Rex non habet prisonam hiis diebus in comitatu Connacie, ubi prisonarii salvo possint custodiri."—Patent Roll, 31st Ed. I. No. 10. I fear that we in Ireland cannot say with Juvenal or Johnson, that it was for want of criminals the gaols were so few:—

"Felices proavorum atavos, felicia dicas
Secula, quæ quondam sub regibus atque tribunis
Viderunt *uno* contentam *carcere* Romam."
Sat. III. 312.

"*A single gaol* in Alfred's golden reign
Could half the nation's criminals contain."
Johnson's London, a poem.

Since the thirteenth century there has been no want of gaols in Ireland. The continual policy of the English colonists having been to erect castles when and where they could, these castles afterwards plentifully supplied them with gaols. Indeed, until recent times, most of the prisons of Ireland have been kept in old castles.—See the benevolent Howard's work on Prisons. In his time several old castles were used as gaols. The appointment of keepers or gaolers lay in the Crown; and the office was anciently more respectable than it had become in later times. On 18th August, 1604, Phinehas Cleay, gent. was

of Ireland, whom the said chieftain can correct, shall commit any trespass or felony, the said chieftain, after he shall have had notice thereof, shall cause the said malefactor to be taken and commit him to the next gaol[a], there to remain until he shall be delivered by law; and if the said chieftain shall not do so, that his body shall be taken for the said malefactor, and detained in prison until the body of the malefactor be given up to the court of our lord the King, to be amenable

appointed *gaoler* in Mayo county.—6th April 1605, John Reynolds (*Mac Ranell*), gent. and Humphrey, his son, and the survivor of them, were appointed *gaolers* in county Leitrim.—12th July 1610, James Mathews and his son, were appointed to the offices of serjeant-at-arms in Connaught and Thomond, of *gaoler* in Galway, and of gentleman porter in Connaught.—31st January 1610, Thomas Hope, Esq. was appointed to the "office of *constable and keeper of the gaol* of Molingar, with all the fees and perquisites thereof; to repair the gaol, and to find all bolts, locks, &c., for the safe custody of the prisoners." These appointments, and all others of the kind, are entered on the Patent Rolls of Chancery. At the present day, the keepers of our splendid prisons are generally styled "Governors;" and are a much more respectable class of persons, and of better comportment, than their predecessors, of whom several cruelties have been recorded.—See Doctor Walsh's History of Dublin, vol. ii. p. 1049, note, for atrocious conduct imputed to the gaoler of Newgate prison in Dublin, even within the present century.

The ancient or "mere" Irish had also their prisons and places of punishment. For the former, in early times, they generally selected old *Duns* or fortified houses, and sometimes fastnesses in islands. At later periods they used old castles, in imitation of the English. Thus, in the lake called Lough Scur (Ir. *Loch an Scuir*), situate in the county of Leitrim, there is an island known by the name of Prison Island, oileán a ṗrıoṗuın, wherein, according to tradition, Mac Ranell (Reynolds), lord of *Muinter Eolais*, confined his prisoners. To the ancient Irish monasteries there was generally attached a penitentiary, or penitential *prison*, called Ꝺeaṁṫeaċ, or house of tears. There were sometimes two of these, one called ṫeaċ ꝺoṁċa, or the dark house, in which the penitent voluntarily underwent part of his penance in darkness; and the other, ṫeaċ ǵeal, or the white house, wherein he could see the light through a window, after he removed from the house of darkness. My learned friend, Mr. O'Donovan, has discovered several penitential prisons of this description, among the ruins of our old monasteries; viz., at *Cluain Coirpthe*, near Termonbarry-bridge in the county of Roscommon, and others. With respect to the punishment of criminals by the ancient Irish, it appears that they usually put them to death by hanging; and that such executions generally took place on elevated situations. Thus, Ardnaree, Aṙo na Riaġ, "height or hill of the executions," a well-known hill near the river Moy in the present county of Mayo, had its name from having been the scene of such punishments. All other places of that name in Ireland, and there are many, have been so called from the same cause.—See Dinn Seanchus, in the Book of Lecan, fo. 246.

dit chiefteyn pour le contempte reint[1] a la volunte le Roy et faire[2] gree a la partie issint[3] grevee.

XX. Item accorde est et essentu qun pees & guerre soit par tout la terre issint que nul Irrois ou Engleis soit de guerre en un Counte que les Countees envyron les facient guerre & grever en lour marches maintenaunt quant ils serront garnuz par les gardines de la pees de dite Counte ou par viscont ou la guerre sourdy soeffrent[4] lour marches estre destrutz par les enemies et en vuillent

1. *reigne*, B. M.—2. *face*, first copy.—3. *qils ont.*—4. *et sils ne les font soient tenuz come mainteners de felons et si veux de la countree ou la guerre sordit suffrent*, first copy.

[r] *Marches.*—See Verstegan's "Restitution of Decaied Intelligence," pp. 16, 157. Also, Cowell's Interpreter, Edit. 1727. From the time of the institution of the English Pale, in the thirteenth century, the defence and preservation of its *Marches*, or borders, have been always considered objects of paramount importance by the English rulers in Ireland. In the Parliament or Convention held by Sir John Wogan, Lord Justice, A. D. 1295 (see Leland, Book ii. ch. 2, and Cox, vol. i. p. 85), the following Act or Ordinance passed: "Item, quia quidam magnates et alii qui quasdam terras habent in *Marchiis* prope Hybernicos, et alias terras in terra pacis, manent et morantur in maneriis suis in terra pacis, terris suis in *Marchiis* relictis vastis et incultis, et sine custodia; et felones Hybernici, per medium hujusmodi terrarum vastarum, in Marchiis suis transeuntes, libere pertranseunt, perpetrando roberias, homicidia et alia mala super Anglicos; et per eas redeunt sine arrestacione, clamore vel impedimento: per quod quamplures Marchie, vel omnino destruuntur, aut pro majori parte ruinose sunt, Anglici inhabitantes et felonibus obediunt, vel quasi in exilium effugantur. Concordatum est quod tenentes hujusmodi, cujuscunque fuerint auctoritatis seu condicionis, apponant et habeant wardas in terris suis in Marchia, juxta quantitatem terrarum illarum, ne malefactores pertranseant per terras illas impunes vel non persecuti." This, and the other Acts of that Parliament, will be found in the Black Book of Christ Church, Dublin, where only they are preserved. Leland, at the place above referred to, observes, "the Acts of this Assembly seem to deserve some notice, as they afford a distinct view of the more notorious irregularities and abuses of this period." They also deserve notice for other reasons.

One of the Ordinances of the 25th year of Edw. III., preserved on a Memoranda Roll of the 25th and 26th years of the same reign, preserved in the office of the Chief Remembrancer of the Exchequer, Dublin, is as follows: "Also, it is ordained, that all those who have lands in the *Marches*, and are resident in land of peace, shall make their residence in their lands in the Marches, or shall place other sufficient persons in their place, in maintenance and aid of the Marches; and whosoever do not do so, the issues of their lands, in land of peace, shall be taken by the King's ministers, and expended in the March for the safeguard of the said March, accord-

amenable to justice as is above said; and nevertheless the said chieftain for the contempt shall be fined at the king's will, and make satisfaction to the party so aggrieved.

XX. Also, it is agreed and assented that one peace and war be throughout the entire land, so that if any Irish or English shall make a hostile inroad in any county, the counties surrounding them shall make war and harass them in their marches[r], so soon as they shall be warned by the wardens of the peace of the said county, or by the sheriff where the war shall arise; and if they shall not so do, they shall be held as maintainors of felons; and if they of the country where the war arises, suffer their marches to be laid waste by the enemy, and will

ing to the quantity of land which he has in the March."—Original Roll.

On 5th June, 1355, the following peremptory communication was made by King Edward III. to Maurice Fitz-Thomas, Earl of Kildare, commanding him to attend and guard the *Marches* of Kildare, and other parts of Leinster. "Where, by the deliberate advice of our whole council, we have appointed wards at *Kylhele*, *Rathmore* and *Ballymore*, in the county of *Kildare*, and in other parts of *Leinster*, of the more noble and powerful inhabitants, for the safety and defence of the *Marches* of the said counties, at their own charges, against *O'Bryn* (*O'Byrne*), and his sept of *Bryns*, and other their accomplices, who, as it were, daily invaded the same in a hostile manner. And though you knew of these invasions, destructions or dangers, and on our part have often been excited to defend the said *Marches* jointly with others, yet you have neither continued nor staid in the said marches, nor hitherto taken care to send that supply of men, which, for the honour of an Earl, and the safety of those lordships, castles, lands and tenements, which were given and granted to your grandfather by our grandfather, and which have descended to you of their gift and concession, you are most strongly obliged to do, and by the omission whereof danger and destruction threaten these parts. And because you neither endeavour to prevent those destructions, nor notice the incitements of us and our council, to which you are bound by the tye of gratitude and allegiance; therefore, being no longer to dissemble with you, and to assign some remedy to those evils, it is ordained by us and our council, that, in your proper person, with five other men at arms on horseback, twelve hobelars well armed, forty archers and other footmen well armed, ye be at *Rathmore*, on Monday next, after the octave of the Holy Trinity, or on Tuesday following at farthest, to keep a ward there at your own expense, as well for the defence of your own lands, as of those parts: and, therefore, by your bounden faith and allegiance, and the forfeiture of your own body, and all your lands in the said county granted by the Crown, we command and enjoin you to perform this service, and to march for the defence of those parts, together with others, against the said enemies, when occasion shall require."—Close Roll, 29, 30 Edw. III. No. 41. Several similar mandates to guard the Marches appear on record.

lent lever de arrester le malice des enemies apres quils soient resonablement garnz[1] par les garrians de la pees ou par viscount ou cre[2] leve en paies du dit Counte que adonques ils soient tenuz come maintenours des felon.

XXI. Item pour ceo que diverses gentz fount diverses Roberies et felonies en franchises & se fuent ove lour biens en Gaydable[3] issint que les ministres de franchises en point illonques faire lour office ne le felouns ne lour biens prendre mes soint illoeques ove lour biens receptz Et auxint diverse gentz que font diverse roberies & felounes en guildable fuent ove lour biens en la franchise issint[4] que le ministres nostre Seigneur le Roy ne poent illoeques lour office faire ne les felouns ove lour biens prendre mez sont illoeques ove lour biens recepte accorde est & assentu que si nulle ministre de la franchise faire[5] pursuit sur nul tiel felon en le guildable que ceux de guildable soient en aide pour tiel manere felon prendre et luy deliverer a dit ministre ensemblement ove les biens ove luy troves et farent de ceo la livere auxibien de corps come de chateux a dit ministre de faire ceo que la ley appent[6] et que ceux de la franchise farent en mesme le manere a viscount nostre Seigneur le Roy ou a ses ministres que font la[7] suyt sur tielx felons que sount[8] felonies & furent ore[9] lour biens en franchise et si nul face felonie en un countee & defue en[10] autre countee ou en franchise & illeoques demoer que le viscount de cel Countie ou la felonie si[11] fist dit[12] pouair a mandre par ses preceptes as viscountes ou seneschialls de les parties ou le dit felon demuert auxibien deinz franchise come dehors a prendre le corps[13] le dit felon et del remaundre et que les dites viscountes & seneschialx soient obeisance[14] chescun en tiel case a autre mandaent[15] Et si nul de Guildable ou de franchise come[16] en eide de tielx[17] mesfessours issint[18] que les ministres ne puissent lour office faire de eux qilz soint tenz si noters felons come ceux que font les Roberies[19] et punyz en mesme la forme Et si les ministres avaunt ditz soient remisses en

1. *Garniz.*—2. *crie.*—3. *guydable.*—4. *font.*—5. *font.*—6. *appertient.*—7. *font a la.*—8. *font.*—9. *fuent aver.*—10. *un.*—11. *quil.*—12. *soit, eit?*—13. Not in B. M.—14. *obeisant.*—15. *mandement.*—16. *levee.*—17. *ces.*—18. *que font.*—19. *rebelle.*

[s] *Franchises.*—Franchesia, libertas, a privilege or exemption from ordinary jurisdiction: also an immunity from tribute. Franchise is a royal privilege in the hands of a subject. For what particular things a franchise commonly consists, see Britton, cap. 19.

[t] *Guildable lands.*—Guildable is used in the same sense as taxable.—See English Statutes, 27 Edw. III. stat. 2, cap. 13; and 11 Henry VII. cap. 9. Guild rents are rents payable to the Crown, by any guild or fraternity, or such rents as formerly belonged to

will not rise to check the malice of the enemy after they shall be reasonably warned by the wardens of the peace, or by the sheriff, or proclamation has been made publicly throughout the said county, that then they shall be considered as maintainors of felons.

XXI. Also, whereas divers people commit divers robberies and felonies in franchises[s], and fly with their goods into guildable lands[t], so that the officers of the franchises are unable to execute their office there, or to take the felons or their goods, but they are there with their goods received; and in like manner divers people who commit divers robberies and felonies in guildable lands, fly with their goods into franchises, so that the officers of our lord the King cannot there execute their office, nor take the felons with their goods, but they are there with their goods received: it is agreed and assented that if any officer of a franchise make pursuit after any such felon into guildable land, that those of the guildable land shall assist to take such felon, and to deliver him to said officer, together with the goods found with him, and thereupon deliver up both his body and goods to the said officer to do that which to law appertains; and that those of a franchise shall act in like manner towards the sheriff of our lord the King, or his officers that shall make pursuit after such felons, who commit felonies and fly with their goods into franchises; and if any man commit felony in one county, and fly into another county, or into a franchise, and shall remain there, that the sheriff of that county where the felony was committed shall have power to order by his precepts, the sheriffs or seneschals of the parts where the said felon remains, as well within franchises as without, to take the body of the said felon, and to send it back; and that the said sheriffs and seneschals shall be obedient each in such case to the order of the other. And if any person of guildable land or of franchise shall rise in aid of such misdoers, so that the officers cannot execute their office on them, that they shall be considered as notorious felons as those who commit the robberies, and be punished in the same manner. And if the officers aforesaid be remiss in the execution of the orders aforesaid,

Religious guilds. Guild, a fraternity or company, comes from the Saxon word gildan, to pay, because every one was to pay something towards the charge and support of the company. See the original Statute Roll, 19, 20 Edw. IV., A. D. 1480, for the interesting Act, founding "The fraternity or *guild of Merchants* of the Mary Grace Chapel, near the Bridge end of Dublin." This Act, if ever printed, might be illustrated with notes, containing much curious information on the ancient trade and commerce of Ireland.

en les executions de mandements suisditz faire et de ceo soint atteintz soint adjuge a la prison & reintz[1] a la volonte le[2] Roy & net paz lentencion du Roy ne de Counsiel que par tiell entre en[3] franchise ou mandement a seneschall que la franchise soit emblemy.

XXII. Item pour ceo que diverse gentes enfeffent lour enfantz ou autres estranges de lour terres et douant lour biens et chatelx par fraude et colucion de forbuser[4] & delaier nostre Seigneur le Roy de sa dette & parties de lour accion et auxint fount mayntez feoffements de lour ditz terres & tentz pour aver diverse vachez[5] & abater brefs Accorde est et assentu qui si ceux alienours ou fessours[6] preignent les profitz des ditz terres & tentes apres[7] tielx alienations ou enfeffements faitz qui ilz nient contrisant les ditz feintz alienations ou feoffements faitz sount[8] adjuges Tenauntes a brefs pur chaser & qilz nient ascun vouche de ceux issint enfeoffes et que nostre Seignour le Roy et parties eient execution et recoverir de ceux terres biens et chateux issint[9] alienes auxibien come de terres et chateux le dit alienour propres Et si aveigne que si ascun home soit en purpose de levee la guerre encontre le Roy ou de ascun felonie faire[10] par tel[11] cause enfeoffe ascun home de cez terre pour faire tielx felonies et treasons apres le feoffement que si apres qil soit atteint de les Treasons ou felonies susditz que les terres suisditz en qi mains qilz devendront soint forfaitz nient contristant la feoffement come si la fuissent en sa mayne de[12] mesme jour de la felonie fait Et eit cest ordenance lieu auxibien a les feoffements par celle cause avaunt cez heures faitz come en temps a vender affaire.

XXIII. Item en chescun Countie soient ordynez quatre de meltz banetz[13] pour vestre[14] Gardeyne[15] de la pees les queux eient plein pouair de asser gentz chivaux

1. *reynes.*—2. *du.*—3. *la.*—4. *forbarrer.*—5. *diverses vouches.*—5. *feoffers.*—7. *ceux.*—8. *soient.*—9. *qui sont.*—10. *faice.*—11. *pour celle.*—12. *le.*—13. *de malth vaueth.*—14. *estre.*—15. *gardeins.*

[u] *Enfeof.*—One of the Ordinances, 25 Edw. III. A. D. 1352, prohibits illegal conveyances to feoffees; and is nearly to the same effect as the above enactment of the Statute of Kilkenny.—See also the printed Irish Statutes, 3 Edw. II. ch. 4, and 28 Eliz. ch. 5. Likewise, Spencer's View, p. 41, Dub. Ed. 1809, for a description of this practice, to which he adds, "The late Earle of Desmond, before his breaking forth into open rebellion, had conveyed secretly all his lands to *feoffees of trust*, in hope to have cut off her Maiestie from the escheate of his lands."—View, p. 42.

[v] *Wardens.*—Conservators or keepers, after-

aforesaid, and thereof be attainted, that they shall be condemned to prison, and make fine at the King's will. And it is not the intention of the King nor of the council, that, by such entry into a franchise, or order to the seneschal, the franchise shall be injured.

XXII. Also, whereas divers people enfeof[u] their children or other strangers of their lands, and give their goods and chattels by fraud and collusion, in order to bar and delay our lord the King of his debt, and parties of their action; and also make many feofments of their lands and tenements, in order to have divers vouchers, and abate writs; it is agreed and assented that if such alienors or feoffors take the profits of the said lands and tenements after such alienations or enfeofments made, that they, notwithstanding the said feigned alienations or feofments made, shall be adjudged tenants to all the writs purchased, and that they shall not vouch any of the persons so enfeofed; and that our lord the King, and the parties, shall have execution and recovery of the lands, goods and chattels so aliened, as well as of the proper goods and chattels of the said alienors; and if it happen that any man, in purposing to levy war against the King, or to commit any felony, do enfeof any person of his land, in order to commit such felonies and treasons after the enfeofment, and if afterwards he be attainted of the treasons or felonies abovesaid, that the lands aforesaid, into whatever hands they shall come, shall be forfeited, notwithstanding the feofment, as if they were in his hand the very day of the felony committed: and this ordenance shall have place in respect to feofments on this account, as well heretofore made as hereafter to be made.

XXIII. Also, in every county there shall be appointed four of the most substantial men of the county, to be wardens[v] of the peace, who shall have full power

wards justices of the peace. — See Spelman's Glossary at Justiciarii pacis; and Blackstone's Commentaries, Book iv. ch. 33. In Ireland, so famed for contrarieties, it may not have appeared at all extraordinary, that the principal duties of the ancient Wardens of the *Peace*, lay in making preparations for *War*. This appears as well by our Statute, as by numerous other documents on record; but it could not be otherwise in "a land at war," and that so continually as Ireland had been, during the unhappy times to which those records have reference. The reader will find this matter fully illustrated in the second volume of State Papers (before referred to), part iii. vol. ii. pp. 19, 21, and 214. At the latter reference, one of the "Ordinances for Ireland," A. D. 1534, is, "that Justices of the peace shall be made in every shire, and they to make Wardinges of the peace in every barony, and Constables in

chivaux al armes hoblours et gentz a pee chescun solonc la valu et quantite de sez terres biens et chateux issint[1] qils soient prestez[2] quele heure que mestier en serra

1. Not in first copy.—2. *a.*

every paryshe; and that they *kepe musters*, ones every quarter of the yere." In more recent periods, also, it was not unusual to see justices of the Peace, even Clerical justices, exhibiting their capabilities for War, in the open field; but there is reason to hope, that exhibitions of this kind are closed for ever in Ireland.

[w] *Horsemen-at-arms, hoblers and footmen* were the general names or designations by which the English soldiery within the Pale, and in other parts of Ireland, were usually called, or known. Their Irish opponents were the *Galloglach* (Gallóglać), the heavy-armed soldier, and the *Kern* (Ceiṫearnać), or light-armed footman.—See Harris's Ware, vol. ii. p. 161. On the 27th of March, 1372, the "Custos" or Lord Deputy of Ireland, Maurice Earl of Kildare, being then at the Naas, issued mandates to Gerald Fitz-Maurice Earl of Dessemond, Thomas Fitz-John, John Fitz-Nicholas, and Maurice Fitz-Thomas, knights, and to Maurice Fitz-Richard, that, upon their allegiance, and under the penalty of forfeiture, they should be personally present, as speedily as possible, with all their *men-at-arms, hobellars*, and *archers*, horse and foot, within the county of Limerick, where it should seem most expedient; there to remain, for the defence and safety of those parts, to oppose O'Breen of Thomond, chieftain of his nation, who having assembled a great number of his enemies and rebels, purposed again to make war upon the liege people of that county: that in order to repress O'Breen, the lord Deputy himself, and the Bishop of Meath (Stephen De Valle), treasurer of Ireland, would join them as speedily as possible, with all the retinue of the Lord Lieutenant Wyndesore out of Leinster, to fight together against the said O'Breen.—Close Roll, 46 Edw. III. No. 132.

On the 26th of April, 1499, Gerald Earl of Kildare, deputy of Henry Duke of York (afterwards Henry VIII.), Lord Lieutenant of Ireland, directed by commission, Christofere Dovedall (Dowdall), Archdeacon of Meath, and others, justices of the peace in the barony of Slane and the cross of the same, to array all men of the said barony and cross; to provide arms and horses, *hobelars* and *footmen*, and them to lead against the enemy, wheresoever they might be: and also commanding them to observe, and to cause to be observed, "the Statutes of Wynton, Northampton, Westmonaster, *Kilkenny*, Dublin and Drogheda; and also all the articles and proclamations lately made at Dublin and Drogheda, by Gerald the Erle of Kildare, the deputy of us (Hen. VII.), and of our most dear second son, Henry Duke of York." To this commission was annexed the following

"ORDINACIO.

"Also, that all lordys, knyghts, squyers, gentilmen, and all others so horsed and harneysed, as is before, at every grete nede, when eny of the kyng's enemys shall enter or invade the cuntre, upon resonable warnyng, shall yive their attendaunce upon the shireffs of the

power to assess horsemen-at-arms, hoblers and footmen[w], each according to the value and quantity of his lands, goods and chattels, so that they shall be ready

shire, and the wardeynes of the peace, when any nede shalbe, in the absent of my lorde deputie; and to accepte the said shirreff and wardeyns of the pece for their capiteyns, and that upon payn of xx[s]. and so higher, every man after his degre, and the wardeyns of the pece make mustres in their baronyes, every xxi dayes, upon payn of x[li].

" Every man having godys (*goods*) to the value of x[li]. shall have an English bowe, and a sheff of arrowes.

" Every man having godys to the value of xx[li]. shall have a jake, a sallet, a bowe, and a sheff of arrowes.

" Every freholder havying lands of iiii[li]. by the yere, shall have hors, jake, salet, bowe and arrowes.

" Every lorde, knyght and squyer shall have, for every yoman in his house, jake, sallet, bowe and arrowes.

" And that upon payn to hym that make defaute, of vi[s]. viii[d]. every tyme.

" And who that kannot shote, shall have such wepyn as he kan handyll or occupie, for his defense ayenst hys enemys, that ys to say, a byll, a gleyve, a crosbowe, a gonne, a sparth, a couple of sperys, or such other wepyn."—Patent Roll, 14 Henry VII., Rolls Office.

In the reign of Queen Mary, Thomas Radcliffe, Earl of Sussex, Lord Deputy, having broken and subdued the *O'Mores* and *O'Connors*, and reduced their territories of *Leix* and *Offaly* to shire-ground, naming the one the King's, and the other the Queen's county, (Davies, 185); he began to direct his attention to the neighbouring county of *Tipperary*, which had been previously infested by " a sept of theffes and outlaws, called properly the Olde Evill Children."—State Pap. part iii. vol. iii. p. 505. He commenced by organizing the available force of the district, and, for that purpose, issued a commission, to which were annexed the following

" INSTRUCCIONS FOR TAKING MUSTRES.

T. Sussex. — Ffurste, ye shall according to your commission assemble yourselfs with all diligence, at such convenient place within that shire, as ye shall thinke mooste mete, at whiche time ye shall divide yourselfs unto severall companies, so as ther may be 3 or 4 at the leaste in everie compannye, and allote to everry compannye suche baronies as to your discrecons shall be thought most fitt, so as ye may take the musters with the more spede according to your commission, and the Statutes in that case provided: Item, that done, ye shall direct our preceptes to the constables of everie baronie withine your allotements, commanding them not onelie to appere personally themselfs before youe at such daie and place as ye shall appointe, and to bring with them in writting, the names and surnames of all personnes inhabiting within their severall ruyles, being of thadgs (the ages) betwene xv and lx yeres, but allso to commaunde all personnes enhabiting within the said rules of the said adges, to appere personnallie before you at the said daie and place, and to bring with them all suche horse, harneis, armour, bowes, arrowes, gonnes, weapons, and all manner of warlike apparaille, as they by enny meanes can put in a reddiness ageinste that time, for the service of their Majesties, and defence of the realme; and every such persone as shall

serra pour arrester la malice des enemies solonc ceo qils serront[1] assiz par les gardines suisditz Et que les ditz Gardeins apres larray[2] fait en la maner suisdit facent vieu[3] des ditz gentz de armes hoblours et gentz a pee de moys en moys en certeyn[4] lieu de countee ou ils veont que meultz soit affaire en eyste[5] du people Et si les ditz Gardeins trovissent nul Rebell que ne voet[6] a lour maundmente obeyr eiant pouair de les attacher et maundes a prochin Gaole illeoques ademerer tanque la ley de luy soit fait Et si les Gardiens de la pees soient remissez ou negligentz en[7] lour office faire et de ceo soient attaintz que adonques ilz soient prister et inprison et reintz[8] a la volunte le Roy Et si nul issint eslier[9] gardein[10] refuse de receyver la commission le Roy soit priste & emprison & ses terres seiez en la main nostre Seignour le Roy & issint demergent[11] tanque le Roy ent eit autrement ordeine et facent lez ditz Gardiens screments[12] de loialment user lour office en la manere susdit.

XXIV. Item ordine est[13] que les mareschalx del un Bank & del autre & dedins

1. *Steont.*—2. *leur arrain.*—3. *vene.*—4. *chascun.*—5. *et aise.*—6. *voisent.*—7. *a.*—8. *reynes.*—9. *soient eleux.*—10. *et.*—11. *y soit demourant.*—12. *servients.*—13. *ordine est*, not in first copy.

not upon such warninge apere before youe, at the daie and place above pointed, and shalbe an hable man, shall forfeite to their Majestie's use xx[s].

"Item, ye shall, at the day by youe appointed, take the perfecte musters of everie man before you appering; and, putting the same in writing shall not onelie note upon the head of everie hable *archer*, H. A.; upon everie hable *harquebuiser*, H. H. A.; upon every hable *bill-man*, H. B.; upon every hable *horseman*, H. H.; and upon every hable *kernagh*, H. K.: but allsoo shall note, in like sorte by writing, what horse, armour or weapon everie of them shall then have, by thes letters, for a horse, Ho.; for a Jack, J.; for a spere, SP.; for a bowe, BO. for a shefe of arrowes, SH.; for a bill, B.; for a gonne, G.; for a sworde, S.; for a habergeon of maile, H. M. Which your boke, so perfectelie made up, togidder with the booke of everie constable delivered to youe, ye shall sende to us the Lord Deputie, or in our absence to the Lord Chauncellour, by the twenty of June next coming, everie boke by yourselfs so made, to be subscribed with the hande of everie of youe the commissioners that shal be presente at the takinge of the musters, and everie boke of the constables delivered unto youe, to be subscribed with the hands of the constables, and upon the head of everie man that shall make defaulte, to be writen theis letters, DE.

"Item, ye shall take the musters throughe the whole shire upon one day, by yourselfs agreed on. Item, when ye shall have taken the musters, ye shall geve generall commandment, that theie all be in a reddines to mustre together before the Lord Deputie, at suche

ready whensoever there shall be occasion for them, to arrest the malice of the enemy, according to what they shall be assessed by the wardens aforesaid; and that the said wardens, after array made in manner aforesaid, shall review the said men-at-arms, hoblers, and footmen, from month to month, in a certain place in the county, where they shall see best to do the same in case of the people: and if the said wardens shall find any rebel who will not obey their commands, they shall have power to attach them, and commit them to the next gaol, there to remain until the law shall take its course respecting them. And if the wardens of the peace shall be remiss or negligent in performing their duty, and thereof be attainted, that then they shall be taken and imprisoned, and make fine at the king's will. And if any one so chosen a warden shall refuse to receive the king's commission, he shall be taken and imprisoned, and his lands seized into the hands of our lord the king, and so shall remain until the king shall have otherwise ordained concerning him; and the said wardens shall make oath legally to perform their duty in the manner abovesaid.

XXIV. Also, it is ordained that the marshals of the one bench[x], and of the other,

place and daie, as he, upon proclamacon made in every baronye, with sixe daies warning before the daie of the mustres to be made before him, shall appointe: and if you find enny man unfurnyshed of such horse, armour or weapon, as by the lawes of this realme he ought to have, that then ye geve a streight commandment to him that he be furnisheed againste the daie he shall be appointed to mustre before the Lord Deputie . . . . and if any man, being by the lawes bounde to finde horse, armour, or ennie other kinde of weapon, do mustre . . . or in leue of ennie other, that then ye shall also note them . . . . be made, whereby their Majestie's service mought be hindered: all which premisses ye shall truelie and uprightly do, and of your doings make true certificate to us as aforesaid, the 20th of June next comeing, as ye tendre their Majestie's favour . . . with the good defenc of this their Maties realme, *your native countrey*, Dat. vi. May, 1558.—H. Dublin, canc. Rolandus, Cass. Oswald Massingberd, prior. Henry Radclyff and others."—Original Instructions, with the Autograph Signatures, Roll's Office.

[x] *Bench.*—It has been asserted that Courts of justice, on the model of those of England, had been constituted in Ireland, i. e. in Dublin, as early as the time of Henry II. Harris, the Editor of Ware's Antiquities, and who was himself a lawyer, argues to that effect, from the Statute 2 Rich. III. ch. 8.—See Harris's Ware, vol. ii. ch. xiii. p. 79. In the record, 11 Henry III. cited by Lord Coke, 1st Inst. fo. 141, it is stated of King John "quod statuit et præcepit leges Anglicanas in Hibernia" (here Hibernia means Dublin, and what was afterwards called the Pale), "ita quod leges easdem, in scripturas redactas, reliquit sub sigillo suo ad Scaccarium

dins franchises ne preignent desormes pour lour fee pluis qilz preignent en Engleterre cestascavoir cink deniers soulement come tesmoigne est a conseil qilz

Dublin." In A. D. 1216, King Henry III. granted to the Irish, i. e. to the English in Ireland, a Magna Charta, or great Charter of Liberties, which may be seen entered in the Red Book of the Exchequer, fo. 69–73; and which ancient record is still preserved in the office of the Chief Remembrancer of the Exchequer, Dublin. But no legal documents of the time of John are now to be found in Ireland; nor yet of Henry III. until the 36th year of his reign, A. D. 1251. From those commencing in that year, it appears, that Courts of justice were then established. They held pleas in various parts of Ireland, during the remainder of the reign of Hen. III., and most part of the reign of Edward I., and these Courts had more extensive jurisdiction then, than at any subsequent period, to the reign of James I. On an ITER roll of the 45th Hen. III. A. D. 1260, preserved in the Exchequer, as above, I find that the itinerant justices of the *Bench* made circuits, and held pleas in the following places, viz., in Waterford, Tipperary, Corcagia (*Cork*), Lymeryk, Kerrigia (*Kerry*), and Connacia (*Connaught*). But it must be borne in mind, that the "mere Irish," who were reputed aliens, were not admitted to the benefit of those laws, except such of them as were *denizened*, or those who were of *the five bloods*, de quinque sanguinibus, viz., the *O'Neills*, of Ulster; *O'Melaghlins*, of Meath; *O'Conors*, of Connaught; *O'Briens*, of Thomond, and the *Mac Murroughs*, of Leinster. All others of the "mere Irish," it was adjudged no felony to kill, even in time of peace.—See Davies, Discovery, p. 78.

The "denizened" Irish frequently appear as suitors in those Courts. Thus, on a plea roll of the Common Bench (*Pleas*), 8 Edw. I. A. D. 1280, now remaining in the Exchequer, Dublin, "*Douenald O'Kelli* claims against Alexander Barbedor, xxx. acres of land in Lenure; and also claims against Alicia de Kery, lx. acres in the same, of which Murier-tath O'Kelli, the grandfather of the said Douenald, was seized on the day of his death." Membrane 6. This Donald O'Kelly was an Irishman, descended from an ancient and noble race, whose principality, Moybrea (Maġ Ḃreaġ), or Bregia, comprehending the modern territory of Fingal, extended from Dublin and Howth northwards, as may appear by the following extract from the Annals of Clonmacnoise before referred to, translated by Conly Mac Geoghegan, in A. D. 1627, and now preserved in the Library of Trinity College, Dublin.—"A. D. 778, a great battle this year, at the River of Re, between the inhabitants of *Moybrea* and Leinstermen. That the reader may not be ignorant of *Moybrea*, and of the inhabitants thereof, I will, in a few words, show the bounds thereof, and to whom allotted. Dermod Mac Kerval, King of Ireland, of whom mention was made in this history, had issue *Hugh* Slane, Coleman More, and Coleman Begg. To the race of Hugh was allotted this *Moyevreye*, extending from *Dublin* to *Bealagh-brick*, westerlie of *Kells*, and from the *hill of Houthe*, to the mouthe of *Slieu Fwayde* in *Ulster*. There reigned of King Hugh his race, as Monarchs of this kingdom, nine Kings. There were many other princes of *Moyrrey*, besides the said Kellys, and behaved themselves as becomed them; and because

other, and within franchises do not henceforth take for their fee more than they take in England; that is to say five pence, as it has been proved to the council that

they were nearer the invasions of the land than other septs, they were sooner banished, and brought low than others. The O'Kellys of Brey were the chief name of that race, though it hath many other names of by-septs, which for brevity I omit. They were brought so low now a days (1627), that the best Chroniclers in the kingdom are ignorant of their descents, though the O'Kellys are so common everywhere, that it is unknown whether the dispersed parties in Ireland of them, be of the family of O'Kellys of Connaught or Brey: that scarcely one of the same family knoweth not the name of his great-grandfather, and are turned to be mere churls and poor labouring men; so as scarce there is a few parishes in the kingdom but hath some one or other of those Kellys in it, I mean of Brey. To Coleman, the other son of King Dermot, was also allotted Clayn Colman, of whom there hath been seven Monarchs in Ireland, besides the kingdom of Meath, that they held still for many hundred years as superiors thereof. Their power was later than the O'Kellys, because they were farther from invasions than the others; yet their own malignant minds towards their own blood, their contentions and debates with one another, was the occasion of this overthrow."

For several years previous to A. D. 1364, the Courts of law were held at Carlow. In that year the King's Bench and its records were removed to Dublin.—Rot. Plit. 37 Edw. III. preserved in Birmingham Tower, Dublin Castle. A. D. 1394, the Exchequer and Common Bench (Pleas) were removed to Dublin. —See Rot. Pat. 18 Ric. II. p. ii. Nos. 54, 55. These changes were occasioned by the gradual incroachments of the bordering Irish. The Courts were subsequently held in a portion of Christ's Church, Dublin; and during the fifteenth century they were much improved. In the Parliament held there, A. D. 1432, 10 Henry VI., the following Act passed:

4. "Likewise, forasmuch as the commons of the counties of Mith, Dyvelin, Kildare, and Louth, complain, whereas the *Chancery*, and *the Chief place* of our Lord the King, for the greater part, and his *Common place*, and his *Exchequer*, are continually in the said parts, by which courts all the subjects of the same parts can *sufficiently be redressed* by common law: nevertheless, divers commissioners of our lord the King, from day to day, are made in said counties, by whom the subjects of our lord the King of the same counties are too excessively vexed, harassed, aggrieved and impoverished: it is agreed and assented, that all the commissions heretofore made in the said counties, be repealed by writs of our lord the King."—Orig. Roll. In the Parliament held at Dublin, A. D. 1475, 16 Edw. IV., the judges and barons of the Exchequer were enjoined to wear their habits and quoifs in term time.—See Cox, vol. i. p. 172; where the Statute is incorrectly quoted, the words in the original being, "Que chescun *Juge et* Baron del Eschequier soient en lour habites et covertetes en temps del terme en tiele manere et fourme comme lez *Juges le Roy et Barons* del Eschequier en temps del terme usaint en Engleterre."—State Papers, part iii. vol. ii. p. 535. This Act the judges and barons seem to have dispensed with; for, in the

qilz fount en Engleterre solonc lestatut en Engleterre de ceo ent[1] pourveu et ceo apres que home soit acquite ou convinct[2] & finalment deliverez hors du coort & nemy avaunt Et silz facent alencontre & de ceo soient atteintz soient lour Bailles seisez en la mayn le Roy par pleint de celuy quest encountre cest accorde greve & outra ceo facent gree a ceux qui sount issint par eux en damadges & detenutz en prison tanque lour gree soit fait Et que le mareshall de leschequer ne[3] preigne que demi marc chescun terme quaunt home demoura en sa garde pour arreradges dacompte ou pour la dette le Roy Et que face a lencontre & de ceo soit atteint eit la penaunce come desuis est dit Et que nul Constable des Chastelx

1. *ent*, not in first copy.—2. *en counte*, first copy.—3. *que*.

"Booke" of the Lord Chancellor, Alen, to the Commissioners of Abuses, about A. D. 1537, he states, "The Lord Chauncellor and other Jugeis of the Fower Courtes, I wolde they hadde ther robes or habytes, according the Statute."—Id. p. 499. Prior to this period it appears that these venerable dispensers of the law were not exempt from military duty. One of the Ordinances for Ireland, before quoted, p. 73, note [x], provides, "that none of the Kinge's judges of the *Foure* Courtes be compelled to go to ostinges [military hostings], as other comen persones do."—Id. p. 214. Lists of the chancellors and judges of Ireland may be seen in that singular collection of Record Extracts, Poesy, History, &c., bearing the title of "Liber Munerum Publicorum Hiberniæ;" compiled under the auspices of the late Commissioners of Irish Records, by Rowley Lascelles, Esq., and printed in 2 vols. folio, circa 1824, in London. The above lists, with others, taken from the MS. "Patentee Officers" of the laborious Lodge, author of the Irish peerage, are the only portions of the heterogenous compilation alluded to, not previously printed. See also Beatson's Political Index for partial lists of the law officers of Ireland.

[y] *Constable of castles.*—These constables were the gaolers, and the castles were generally the gaols, for a long time before and after the above enactment. On the 29th of May, 1390, a writ issued, directed to Maurice Fitz-Thomas, Earl of Kildare, reciting that the King, having been informed that O'Conghir, son of Dongh O'Dymsy, his Irish enemy, had been lately taken and detained in the Earl's *prison of his Castle of Kildare*, and considering the danger of his escape or rescue, he gave the Earl leave to remove him to the *Castle of Dublin*, there to confine, or resume him from thence, as should seem most expedient to his lordship, for the benefit of himself, the King, and his faithful subjects. The *constable* of the Castle of Dublin, or his deputy, was, at the same time, commanded to receive O'Dempsy, to keep him safe, and to deliver him to the Earl accordingly.—Patent Roll, 13 Rich. II. Nos. 234 and 235.

The castles of Ireland were of two descriptions; first those called the King's castles, which were the more ancient, and strongly built for purposes of defence. The principal of these were Dublin, Trim, Limerick, Ath-

that they do in England, according to the Statute in England in this behalf provided; and this after a man shall be acquitted or convicted, and finally delivered out of the court, and not before; and if they do to the contrary, and thereof be attainted, their bailiwicks shall be seized into the king's hand at the complaint of him who shall be aggrieved contrary to this Statute, and shall moreover make satisfaction to those who shall be so damaged by them, and be detained in prison until their satisfaction be made. Also, that the marshal of the Exchequer shall only take half a mark every term while a man remains in his custody for arrears of account or for the king's debt; and he who does to the contrary, and thereof shall be attainted, shall suffer as is abovesaid. And that no constable of castles, within

lone, Carlingford, Knock, Crag-, or Carrigfergus, &c. The other castles or "piles," for private residence or defence, were gradually raised, as the English settlers extended themselves.—See Cambrensis, Hanmer, p. 320, Dub. Edit. Cox, in his Apparatus to vol. i. and p. 37, same volume. It sometimes happened that the settlers expressed a dislike to castle building. Thus, Campion, p. 133, states, that Savage of the Ardes in Ulster, about A. D. 1350, declared that he preferred "a castle of bones to a castle of stones; and, by the Grace of God, would never cumber himself with dead walls." This is not to be wondered at, in an age when these adventurers considered themselves, if not invulnerable, yet nearly invincible; and, moreover, believed that the Heavenly Host itself was arrayed in their favour against the Irish. Thus, the same Campion gravely narrates, p. 144, "In the red Moore of Athye, the sun almost lodged in the west, and *miraculously standing still* in his epicycle *the space of three hours*, till Sir James Butler (fourth Earl of Ormond) vanquished O'More, with his terrible army, with a few of his own." But Savage's objection to castles was only an exception; for the policy of building them became general and continued long. In a document of the time of Elizabeth, preserved in the British Museum, Titus, B. 12, showing how Ireland "was reduced, and by what means continued under the English government," it appears that the principal means resorted to were, "by restrayning and taking from the Irishry, by little and little, all trust of government; *by building of Castles and fenced houses*, and committing the captaineries to trustie and well-affected English." In the time of Richard II. it was ordered "that all who have castles and fortresses in Ireland should cause them to be repaired, and hold them in proper condition, and place therein a good and sufficient ward, for their safe keeping." — Harris's Hibernica, part ii. p. 132; see also Prynne on 4th Institute, p. 307.

On a Statute Roll of the 7th year of Henry VI., A. D. 1429, I find the following Act, passed in the Parliament held in that year at Dublin, before Sir John Sutton, knight, Lord Lieutenant. 9. "Likewise, forasmuch as the county of *Louth*, and the subjects of our lord the King dwelling therein, for the greater part are destroyed and desolated by Irish enemies and English rebels of our lord the King, *by the default of castles and towers* in the said county, in resistance of the said enemies and

telx dedinz franchise ne dehors ne preigne de nul persone mys en sa garde prison[1] fee fors solement cinc deniers forspris le Constable du Chastell de dyvelyn que

1. *pour.*

rebels, to the great decay of the said county. It is agreed and assented that every subject of our lord the King, who, within the said county, buildeth anew a castle or a tower *upon the borders thereof*, in five years from hence next to come, that is to say, in length of xx. feet, in breadth of xvi. feet, in height of xl. feet, that the Commons of the said county shall pay to the same person, who will so build such castle or tower, x. pounds, in the name of subsidy, in aid of the building [*of the same, to be*] assessed and levied of the said commons."—Original Roll. After this Act numerous "piles" and castles gradually sprung up within the Pale, and along its borders; the latter forming a continuous chain of defence against the surrounding Irish; and although those numerous fortresses were, in general, but of ordinary dimensions, yet the expenses of building and repairing them fell heavily on the people. By the foregoing Act it appears, that these expenses were imposed as a subsidy. The following enactment of the Parliament held at Naas, A. D. 1472, will show with what strictness these subsidies had been levied. 22. "Likewise at the prayer of William, abbot of *Balkynglas*. Whereas there is a rock very near the *Windgates*, in the county of Kildare, which belongs to the house of Balkynglas, and parcel of the possessions of the Graunge, where, if a castle or a tower were raised and made, it would be a great strength and defence to the said county, and to all the towns thereunto adjoining: whereupon, the premisses considered, it is ordained by authority of the said Parliament, that he (*the abbot*) may have, assess, and levy, of the said county, x. pounds, to be assessed with the common *subsidy*; and that the assessors of the said subsidy, upon the pain of a hundred shillings on each of them, do assess the said x. pounds equally upon the said county, at such time as they shall be required by the said abbot; and that the said abbot find sufficient surety in the King's Chancery of Ireland, that the said tower shall be of the height of forty feet under the entablature."—Id.

On other occasions, temporary tolls were granted to forward those works of defence. Thus, in the Parliament held at Drogheda, A. D. 1478, the following Act passed:

"35. Likewise, at the prayer of Andrew Tuite, gent. Whereas there is a common and open road for the Irish enemies of the King, our sovereign lord, between *Rathconyll* and *Queylan*, to come and enter into the county of *Meath*, for the destruction thereof; and, for which cause, the said Andrew, in the most dangerous place of the said road, hath made a tower, upon the vault whereof is a singular refuge for all the said county: and if a *trench* were made there, a mile or less in length, the said enemies should have no entrance by that road in the said county; the which trench the said Andrew is not able to make, and the common people there inhabiting are so poor that they cannot attend to the making thereof. Whereupon, consideration had, it is ordained, enacted, and established, and also granted by authority of the said Parliament,

within franchise or without, shall take of any prisoner put into his custody for his fee but only five pence, except the constable of the Castle of Dyvelin,

that it shall be lawful for the said Andrew, to take and receive for every cow, and for every bullock, and for every horsepack of any manner of merchandize or victualls, that shall come or go by or near that road, one penny, to help to make the said trench, and to last for xv. years, considering that none or few, except Irish enemies, come or go by or very near the said road with any manner of merchandize, except the freemen of the city of *Dublin*, and town of *Drogheda*, the *Holy Church*, and the freemen of the town of *Athboy*, and every of them; provided that he shall find sufficient surety to make the said trench within the said years, and the same competently made so to leave."—Id. Again, by an Act of the Parliament held at Naas, A. D. 1480, reciting that, "whereas it is very necessary, beneficial, and expedient for the safeguard, peace and tranquillity of the King's subjects of his county of *Meath*, that a tower or pile of the *new fashion*, should be built at *Kesshbaigne*, on the extreme frontier of the *old March*, not only in resistance of *O'Conchir* (*O'Connor*), but also for the chastisement of the *Birminghams*:" it was enacted that forty pence should be assessed on every plowland within the county of Meath, for that purpose.—Id.

Sometimes, though rarely, it happened, that the office of constable or sub-constable had been entrusted to a "mere" Irishman. This appears by an Act passed in the Parliament holden at Drogheda, 8th Edw. IV. A. D. 1468. "The Archbishop of Dublin being seized in right of his see, of the manor of *Ballymore*, lying between the counties of Dublin and Kildare, *among the O'Birnes and O'Tooles, Irish enemies*, did, of ancient times, make constables thereof for life, or at will, which constables kept their residence there continually, and especially in time of war; and Richard, Archbishop of Dublin, predecessor to Michael [*Tregury*], by the assent of his chapter, constituted Sir Richard Fitz-Eustace, constable thereof, to him and the heirs male of his body, and granted him to receive in the said office, the profits of a mill of the annual sum of £10, and £10 a year rent-charge on said lands: that said Richard Fitz Eustace died, and Robert, his son and heir, occupied said office, but did not make his residence there, but made a sub-constable, one Laurence O'Bogan, *an Irishman both by father and mother, who by nature would discover the secrets of the English;* also said Robert Fitz-Eustace lodged his sheep in the vaults of the said castle, and wasted the same, and distrained the frank tenants and burgesses of the same, under colour of said rent-charge; therefore, at the petition of Michael, Archbishop of Dublin, it is enacted, that the said Robert be compelled to keep a sufficient company of *Englishmen, and no Irish, to guard said castle;* and if said Robert put any Irishman, not having his charter of liberty, to ward the said castle, that then it should be lawful for the said Archbishop and his successors to turn said Robert out of the said constabulary, and to give the said office to any other, for life or years."—Id. A. D., 1537, J. Alen, Chancellor of Ireland, recommended that a general law, to the foregoing effect, should be enacted by Parliament, viz., "that *none of an*

que est le chief Chastell le Roy en Ireland pour ceo que tesmoigne est au Counseil quil doit plus prendre & de auncient temps ad fait & que autrement face & de

Iryshe nation shall dwell and have the keping of any Englyshe manne's castell on the borders." — State Papers, part iii. vol. ii. p. 482.

In the following century, Oliver Cromwell ended the contest, by dismantling the castles; and in Ireland, to this day, the name of that extraordinary man is associated with their ruins. Many traditional stories of murder and crime, committed within these castles in former days, are told by the country people in their vicinity, throughout the country. They tell of dark dungeons and chains, and particularly of trap-doors, through which the unfortunate victims were thrown into rolling water beneath. That horrible crimes have been perpetrated within them, there is abundant evidence; but, with all the internal wars and dissensions of the Irish, I cannot find that they came near their neighbours the English, or the old Castellains of Europe, in refined cruelty. See on this subject, Archæologia, vol. xxvii. p. 229, Lond. 1838, for the very curious communication of R. L. Pearsall, Esq., entitled, "The Kiss of the Virgin:" a narrative of Researches made in Germany, during the years 1832 and 1834.

[z] *Dyvelyn.*—Dublin. "The King's chief castle in Ireland." For an ample account of this celebrated edifice, see Doctor Walsh's History of Dublin, vol. i. p. 49, to which the few original notices following may be considered as merely subsidiary. The Annals of the Four Masters, at A. D. 1172, state, that Tiernan O'Rourke, prince of Breifny and Conmaicne (the present county of Leitrim), was murdered at *Tlachtgha*, a hill, now called the hill of Ward, near Athboy, county Meath, by Hugh De Lacy (assisted by Donell, the son of Annadh O'Rourke, one of Tiernan's own followers), and that his body was brought to Dublin, where his head was put up over the entrance to *the fortress*, and the body gibbeted, with the feet uppermost, at the northern extremity of the city; "a lamentable spectacle," add the annalists, "of grief and woe to the Irish."—See Leland, Book i. ch. iv., who adopts the statement, or rather the apology, for De Lacy's perfidy, given by those whom he calls the "English historians." The perpetrators of the crime were afterwards punished. De Lacy met a violent death, unregretted by Henry II. His assistant, Donell O'Rourke, was killed by the people of Tiernan, and one of his hands was cut off, and sent to Roderic O'Conor, King of Connaught; who, imitating the English in their treatment of his friend, Tiernan, "caused a stake to be put through the said hand, on the top of the castle of *Tuam da Gualann.*" —Extract from the Annals of Leinster, A.D. 1174, in King's Collections, Royal Dublin Society. This Castle of Tuam was erected by King Roderic in A. D. 1161. — See Ware, De Hibernia, &c., cap. xxii. The foundation of the "King's Castle of Dyvelyn," of which some towers still remain, was laid on or near the site of the old fortress above alluded to.

The battlements of this new fortress, for centuries after its erection, have been seldom found undecorated with the heads of Irish chiefs. Salutary exhibitions, say the above veracious historians of Ireland, intended to strike the refractory natives with "terror and

lin[z], which is the king's chief castle in Ireland, by reason that it has been proved to the council that he is entitled to take more, and from ancient time has done so;

dismay." Of this barbarity a single example, out of numerous instances on record, may suffice. In A. D. 1358, William Vale, by petition to the Lord Justice, set forth, that he had lost all his goods and chattels, together with his kinsmen, and friends of his retinue, in the King's service, in repulsing the *O'Nolans* and other Irish enemies of Catherlagh county, who had almost destroyed the same, and for the most part slew his men; and, it being made evident to the Lord Justice, that in that service the said William Vale had slain Donald Taysone O'Nolan, Murgh Fitz-Steven O'Brynne, Murgh Fitz-Robert O'Nolan, Philip O'Brynne, and many other Irish Chieftains of those parts, *and brought their heads to the Castle of Dublin, by the command of the King, to be there put up*, when he might have had a large fine or redemption *for delivering those heads elsewhere;* he therefore had a reward of £20 granted unto him, on the 23rd of August, in that year.—Close Roll, 32 Edw. III. No. 6.

In A. D. 1478, the turbulent prior of Kilmainham, James Keating, Constable of Dublin castle, fortified it against the Lord Deputy Grey, and broke down the drawbridge. In consequence of this proceeding, the Parliament, then sitting at Trim, passed the following Act. 12. "Also, at the request of the commons, for that whereas friar James Ketyng, calling himself prior of Kilmainham, and constable of the King's Castle of Dublin, fortified the said castle with men of arms, against the most noble Lord, Henry Lord Grey, deputy-lieutenant of Ireland, and would not suffer his steward nor officers to come into the said castle for their lodging, nor for the repairs of the same; and also broke the bridge of the said castle for his defence against the said deputy, contrary to his allegiance: whereupon, the premisses considered, it is ordained and established by authority of this said Parliament, that the said friar James shall cause the said bridge to be substantially and sufficiently made and repaired, between this and the feast of the nativity of our Lord next coming, by the superintendence of Henry White of Dublin, clerk; and if the said bridge shall not be prepared and made, as is abovesaid, between this and the said feast, that then the office and name of the aforesaid prior shall be void in his person: and, by the same authority, it shall be lawful for the said deputy, to make a guardian or keeper of the said priory, until the Grand Master of Rhodes, or prior of St. John of London, provide a guardian or prior there."—Original Roll.

The Irish septs of the O'Byrnes, who dwelt for ages among the mountains and fastnesses of Wicklow, and who had so frequently poured down on the English of the city and "vale" of Dublin, like so many eagles darting on their prey, in A. D. 1533, forced their way into the Castle of Dublin; and, having liberated the Irish prisoners there detained, returned in triumph to their hills, with considerable booty. An account of this irruption was, in the same year, transmitted to England in the following words: "*Edmunde Ooge O'Brynne* hath kept warre to thInglishrie, nighe thys yere, comytting infynyte burnynges, prayes, spoyles, and manslaughter, and within these 5 wikes, entrid with force, in the night tyme, in the

de ceo soit atteint soit la constablerie seisez en le main le Roy & celuy que ensy avera faict soit pris & emprison tanquil face gre a la partie et fyn au Roy et que les marechalls ne constables avauntditz dedeins franchises ne dehors ne mettent les prisoners quil ont en leur garde a destresse et duretez de penaunce pour singler profitt ou suete avoir & si le facent soient pris et detenuz emprison tanque quils aient rendu le double a celuy de qui ils ont receuz tielx torreious profit et ne pour quaunt face fin au Roy et sur ceo soient brefs mandes a chascune place de la terre ou mareschall ou counstable cest sibien dedeins franchise come dehors commandant au Justice du Chascune place et ausi Tresorie et Barons del Eschequrerier qils facent charger le mareshall de leur place quils ne prennent de null autrement come distresse[1] dit et denquirer de temps en temps de ceux qui font a lencontre et les punir et[2] la forme suisdit.

XXV. Item ordonne est et estably que si home face felonnie et soit fuitisse[3] ou atteint par utlagari ou en autre maniere pourqoy ces biens et chatteux soit forfaitte an Roy que les viscountes de mesme le counte ou les ditz felonies sont faisent seiser les ditz biens et chateux en la main du Roy esquelles mains ques apres [*viennent*] et[4] ne respondit de ceo nostre Seignior le Roy desous lour accompt si mettent telles biens et chatteux en aucune garde les mette en telle garde pour en

1. *desuis* ?—2. *en.*—3. *fuitife* ?—4. *sera.*

Kingis Castell of Dublin, whiche is the strongest holde in Irlande, and led with him prisoners at his pleasur, and cattaile; which enterprise hath more discouragid the Kingis subjectes there, than the lostes of £2000 of their goodes; insomoche as, nightly sethens, great watche is in the citie of Dublin, fearing that the same shulde be pylferid, prostrate, and distroyde, wherof they never dredid somoche."—State Papers, part iii. vol. ii. p. 169. Strange it is, and not without instruction to the future historian, that nearly 300 years after the foregoing attack, and within the memory of the present generation, the rulers and inhabitants of Dublin were seized with a similar dread of like insurrectionary incursions from the same neighbouring mountains; insomuch that "great watch was kept," and strong barricadoes were raised "ut vidimus," on all the passes and bridges around the city. For an interesting notice of the Castle of Dublin, and the preservation of the King's Records there see "A certen Information for our Soveraigne Lordes most honorable Commyssioners in Irlande." A. D. 1537, *ad fin.*—State Papers, part iii. vol. ii. p. 486.

[a] *Felony.*—Here all kinds of felony committed by individuals are intended. Long before the enactment of the Statute of Kilkenny, treason, in England, was comprised under the name of felony. Afterwards it was resolved that high treason should not be comprehend-

so; and he who does otherwise, and thereof shall be attainted, his office of constable shall be seized into the hands of the king, and he who shall have acted so shall be taken and imprisoned until he make satisfaction to the party, and pay a fine to the king. And that the marshals or constables aforesaid within franchises or without, shall not put the prisoners which they have in their custody to distress and severity of punishment, for the purpose of obtaining individual profit or suit; and if they shall do so they shall be taken and detained in prison until they shall have rendered double to him from whom they have received such wrongful profit, and shall moreover pay a fine to the king. And hereupon writs shall be issued to every place of the land where there is a marshal or constable, as well within franchise as without, commanding the justice of each place, and also the treasurer and barons of the Exchequer, to cause charge to be given to the marshal of their place, that they do not take of any person otherwise than as aforesaid; and to inquire from them from time to time respecting those who do the contrary, and to punish them in the form abovesaid.

XXV. Also, it is ordained and established that if any man commit felony[a], and shall fly, or be attainted by outlawry, or in any other way, whereby his goods and chattels shall be forfeited to the king, that the sheriffs of the same county where the said felonies are committed shall seize the said goods and chattels into the king's hands, into whatever hands they may have afterwards come; and that our lord the king shall be answered in respect thereof in their accounts; and if they put such goods and chattels into any custody, they shall put

ed under that name. In Ireland it was usual to term the refractory English, and the Irish being at war, indiscriminately felons. "Felones Regis," the King's felons, i. e., traitors, conformably to the then laws of England.—See the printed Calendar of the Patent and Close Rolls of Ireland, passim. Thus, p. 8, Claus. 2 Edw. II. A. D. 1308, No. 43, "Hibernici *felones* de montanis Lagenie."—Id. No. 41, 47, 52, 98; Pat. 3, Edw. ii. No. 49, &c. Afterwards, when the "English" in various parts of Ireland, taking advantage of the weakness of their own government, began to rebel; and throwing off all subjection to become "Hibernis ipsis Hiberniores," it became necessary to distinguish them from the "mere Irish;" wherefore, the latter were termed "Inimici Regis," the King's enemies, and the English "Rebelles Regis," the King's rebels, a distinction observed, with some modifications, for centuries after. In subsequent times, these parties were called Irish enemies and English rebels. In general, they contended separately with the government, sometimes they were found dangerously united against it; but much oftener at variance with each other, to which may be mainly attributed the preservation of the English dominion in Ireland.

en pouvoir respondre et qui les telles ne soient enchanges come qes solvient avant ceux heures.

XXVI. Item ordonne que si tresves ou pais soit pris par les justices ou gardiens de la paix ou le viscount entre Englois et Irroys et si elles sont de [frange] par

[b] *English and Irish.* — From the days of Henry II. the Irish have continually complained of breaches of faith, similar to those rendered penal by the above enactment. Besides the present, there are numerous other unpublished records of equal authority, which show that those complaints have not been groundless. Even the published History of Ireland, although by far the most imperfect of all the national histories of Europe, might be referred to on this point. Articles of "truce or peace between the English and Irish," remain from an early date on record. The following appear in A. D. 1401; and I have been induced to abstract them, as they may generally serve to show the nature of such instruments about that period. "Indenture between the most illustrious Lord Thomas de Lancaster, the King's son, seneschall of England, and Lord Lieutenant of Ireland, and *Aghy M'Mahon*. The said Aghy promiseth for himself, his people, and nation, that for ever hereafter he will be a faithful liege man to the Lord Henry, King of England and France, and his heirs; that for ever hereafter, he (Aghy) and his ought to behave well, laudably, and faithfully towards his Majesty, his heirs, and his faithful people. Further that he will not in anywise rise with any Irish enemies or rebels in the defence or comforting of them, nor secretly or openly by himself or his people give them counsel, assistance, or favour against the King and his people; but will rise with his subjects against them, whenever he shall be so required by the King, or his lieutenant, and without any excuse will be ready with all his power, to march with the King or his lieutenant against the said enemies or rebels, yet at the King's charges, if he chance to get out of his own parts (country). For the faithful performance and observation whereof, the said Lord Lieutenant granted to him the lands and lordship of *Feruewy* [Fearnmagh, now the barony of Farney, county Monaghan], the castle excepted, for his life. Dated at Dublin, 13th December, 1401. — Patent Roll, 3 Hen. IV. d. No. 232.

Like Articles between the Lord Lieutenant and *Owen* (*Augenius*) *O'Reilly*, captain of his nation of the Irish in *Briffium*, (Breifne ui Raghallagh), having a general power and special command from all his subjects and adherents or allies, of proceeding, accomplishing, and observing the following articles, viz.: he acknowledgeth for himself and his said Irish people, and all under his *government* and *alliance*, now and hereafter, their heirs and successors, to be purely, freely, and absolutely liege subjects of the King and his heirs, and for the true performance thereof, *took his oath*; and further swore for himself and his people, that during the minority of the heir of Roger, late Earl of March and Ulster, the King's ward, he would keep and faithfully fulfil to the King, or his lieutenant, all the conditions or agreements, and all and singular the matters contained in certain indentures,

put them into such custody, that they will be able to answer for them, and that such shall not be exchanged, as it has been practised before this time.

XXVI. Also, it is ordained that if truce or peace be made by the justices, or wardens of the peace, or the sheriff, between English and Irish[b], and they shall be

formerly made between the said Earl Roger, and *John O'Reilly*, captain of the said nation of the Irish, and dated at Kenlys (*Kells*), the 12th December, 1394. The present indenture (with the said Owen), was there dated the 4th Feb., 1401.—Id. No. 233. The same record contains similar articles between the Lord Lieutenant and *Donaldus O'Brynne* (*O'Byrne*), 8th Nov. 1401; and between the Lord Deputy and *Mauritius O'Conghur* (*O'Connor*), 14th Sept. 1401. On 12th May, 1425, articles of peace were entered into between James, Earl of Ormond, Lord Lieutenant, and *Bernard* M'Mahon, chief of his nation, and *Rory* and *Magonius*, his brothers, whereby the latter submitted to the King (Henry VI.), "et dictus Bernardus, pro consecratione pacis, imperpetuum, dabit unum habilem filium suum in obsidem;" and they swore on the holy Evangelists, that they would submit themselves and their subjects to the jurisdiction of the *Archbishops*, *Bishops*, and other *Prelates* of Ireland. See these articles at full, on the Roll of Patents, 3 Hen. VI. No. 118. Also, similar articles with Dermot *O'Tothill* (*Toole*), No. 119; Owen O'Neyll, "Hibernicus de Ultonia," No. 120; Calvacius, Calvagh, or Charles O'Conchur (*O'Connor*), chief of his nation of Offaly (Uı Failge), No. 112; and Donogh O'Bryn (*O'Byrne*), No. 113. These articles will be found sufficiently curious; and the latter are well extracted in the printed calendar of the patent and close Rolls of Ireland, p. 238, col. *b*. Cox mentions some of these Articles, vol. i. p. 144.

The following is a specimen of the "Treaties" usually entered into between the government and the Irish chieftains of a more recent period. "Thady O'Byrne, chief of his nation, agrees (by the judgment and award of the Earl of Ossory, Wil. Brabazon, Treasurer at war, Gerald Aylmer, and *Edmund Oge O'Byrne*,—see note (*z*), *ante*, last paragraph), *indifferent arbitrators* for this purpose, that he and his people shall be faithful to the King (Hen. VIII.), preserve the public peace, oppose and resist the King's enemies, not to adhere to or maintain and support any rebels, and especially those of the nation of the *O'Tooleys*; to send, when the Lord Deputy shall journey without the parts of Leinster, a banner or ensign, with twenty horsemen, and a proportionable number of footmen, according to the custom of his country; to attend the Lord Deputy during the journey; if within Leinster, then to attend him with his whole *posse*; to pay to the crown 120 fat cows, or as many marks, &c.; if any necessity shall require, he and his country shall support the King and his Lord Deputy with 120 armed footmen, Irish, Scots, or Galloglasses, for 4, 6, or 8 weeks, or $\frac{1}{4}$ of a year, if necessary. For the true performance of which, the Castle of Simonswodde is to be delivered to the Lord Deputy. Dated the 22nd January, 1535."—Roll of Patents, 28–30 Hen. VIII. d. The same Record contains articles nearly similar, between the King and the M'Moroughs, Sa-

par aucun Englois et de ceo soit atteint soit pris et mis en prison tanque que gree soit faict par luy a ceux qui sount distorbe[1] endamage par celluy encheson et

1. So in copy.

vages, O'Karrols, De Burgos, O'Molloys, M'Geoghegans, O'Reylys, &c. See also, State Papers, London, 1834.

The great increase of English power in Ireland during the reign of Elizabeth, appears from the subdued and abject tone of some of the most powerful of the Irish chieftains, and also of those of Anglo-Norman descent, in their *Submissions*, not "articles," or "treaties," as theretofore termed. Thus, in the *original* submission, now before me, of Conor O'Brien, third Earl of Thomond (whose grandfather was commonly stiled the "Greate O'Brene"), the following appear: "I, the said Earl, moost greved and repentant from the bottom of my harte, for my transgression, mooste humblie beseche my said soveraigne, to accept and allow this my moost humble, trewe and undoubted determynacon, as condigne amendes for my transgression, whiche is, that duringe my life naturall (for my will, power and habilitie) I will observe and accomplishe all and singular the contents of the articles ensuyinge, and for testifienge thereof, have made and taken a corporall othe upon the holie and blessed Bible, That I shall be and continue duringe my naturall life, her highnes', her heirs and successors, mooste humble, trewe, and faithfull obedient subjecte.—Item, that I shall not make warre upon any subjecte, nor make peace, nor graunt salfe conduct, with or to any rebell or malefactor, without license. —Item, that I shall not exacte any taxes, talladge, or byinge of any subjecte, contrary the goode will of the gever or paier.—Item, that I shall permit and suffer all and everie her Maties trewe and faithful subjects quyetlye to pass and repass throughe Thomonde.—Item, that I shall not marye, gossoppe, nor foster, contrarie the Statute, without lycens.—Item, that I shall advance and further, from tyme to tyme, by all ways and means possible for my reche and power, the contents of the Comunyon booke, called the Book of Common Prayer, and admynistracon of the sacraments; and, likewise, the injunctions set forth by her Highnes."— Conor Thomond, 27th Sept. 1572." An item somewhat similar to the latter, appears in the humble submission of the "great" Earle of Desmond, 12th Feb. 1563. "Item, as concerning the furtheraunce of religion in Monster, for that *havinge no knowledge in learninge, he is ignorant what is to be done* in that behalfe; nevertheless, whatsoever the Commissioners appointed for that purpose shall determyne, he is contented to further. —Gerot Desmonde."

On this subject of breach of truce or peace with the Irish, see Leland, Book i. c. 4, for the treaty between Roderic O'Conor, King of Ireland, and Henry II.; and ch. 5, for the breach of that treaty on the part of the latter. The MS. Annals of Inisfallen, at A. D., 1277, and the "Wars of Thomond," at the same year, relate the perfidious murder of Brien Ruadh O'Brien, prince of Thomond, by De Clare, "mar ṙáṡaiḋ," says the latter, "ḋá ṁnaoi aʒuṡ ḋo ṁic Muiriṡ ḋo ḃi 'ṡ an tiġ an tráṫ ṡoin."—See also, Fordun's Scotichronicon, Lib. xii. cap. 26, for

be broken by any English, and thereof be attainted, he shall be taken and put in prison until satisfaction be made by him to those who shall be disturbed [*or*] injured

the celebrated Irish Remonstrance to the Pope, A. D. 1318, in which the deed is fully described. "Thomas de Clare, in majoris confœderationis et amicitiæ signum, de eadem hostia consecrata in duas divisa partes nequiter communicavit, ipsum (Brianum Rufum) subito de mensa et convivio arreptum, in caudis trahi fecit equorum; amputato quoque capite, truncum corpus per pedes suspendi fecit in ligno."—cxxix. Pandarus, before referred to, temp. Edw. IV., recommends that the "Kinge's auctorytie and subgetes *kepe the Kinge's peace* unto all the wylde Iryshe, *tyll* all the Kinge's subgettes, for the more parte, be orderyd in harnoyse and waypyn." Here, the inference is obvious.—State Papers, part iii. vol. ii. p. 23. See also vol. iii. p. 176, for a despatch from the lord Deputy and Council of Ireland to Henry VIII., in A. D. 1540, wherein they venture to "expostulate with the King," as follows:

"But to enterprise the *hole extirpation and totall destruccion of all the Irishmen of the lande*, it wolde be a mervailous *sumptious charge*," (an expensive undertaking), "and great difficultie;" to which they add, "and by president of the conquest of this lande, we have not hard or redde in any chronycle, that at such conquestes the hole inhabitauntes of the lande have bene utterly extirped and banished." These passages seem to indicate some previous communications from England, containing the horrible proposal remonstrated against, and it will be remembered that Crumwell, the King's Vicegerent, was then all-powerful there. For a somewhat similar proposition, made about a century after, see Irish Minstrelsy, vol. ii. p. 165, London, 1831.

On a minor scale, projects of the same kind have been frequently urged. Thus, in the same State Papers, vol. ii. will be found a letter from R. Cowley to Crumwell, "Lord Prive Seale," wherein, p. 451, he states that "Alloyne" (the fortress of Athlone) "marchith and merith with *O'Kelley*, a great capitayn of the Irishrie. There are a stronge bande of the *Burkes*, that be of Englishe nacion, *berith mortal hate to the Kelleys*. The Burkes dwellith in the bakeside of the Kellies, towarde Galway; and it will be right necessary to joyne in one amytie with theme, to invade and subdue the Kelleys and O'Melaghelyn." These "Kelleys," and their neighbouring Irish tribes, have always been obnoxious. Among the famous depositions before referred to, p. 43, note [c], John Dodwell of the Grange, barony of Athlone, county Roscommon, swears, that "the aforesaid rebels (the *O'Fallons*) are most bloudily, maliciously, and despitefully bent against all the English nation, and their adherents; insomuch that they hanged and killed some of the English women, boys and men, and that in a most barbarous and cruel manner: and as for those which escaped with their lives, they stripped them (even to their very skins). Alsoe the most part of the *Kellys* (if not all of them) of the barony of Athlone, are a most bloudy, wicked, and malicious *nation*, in robbing and killing all the English (for the most part), that they could lay hold on, and burning all the Englishmen's houses that were amongst them. And deponent is certain, that if those

et entre[1] ce reint a la volonte du Roy et sil nest dount face restitution a ceux qui sont endamages soit en perpetuelle prison et telles Gardeins et viscountes[2] sans pouvoir deguerre[3] de telles qui ont enfrange la paix.

XXVII. Item ordonne est que si debate soit neu[4] par entre Englois et Englois par quoy les Englois dune parte et daultre ceillent si[5] eux Englois et Irrois en

1. *outre.*—2. *eient?*—3. *denquerir?*—4. *meu.*—5. *coillent a?*

aforesaid *Fallons* and *Kellys* were *banished or killed*, that the barony of Athlone, immediately after, would be in a most peaceable condition, and in very short time very well able to relieve the castle and garrison of Athlone; which barony, by the means of the aforesaid *Fallons* and *Kellys*, is a most bloudy and dangerous country for the English, and hath been by the predecessors of those rebels, in like nature, the warrs before this; and, by relation, this deponent is credibly informed, will ever remain so, *untill they be rooted out*, they being a most idle and evill-disposed people." —See the Original Depositions for more to the same effect.

Sir Anthony Sentleger, Lord Deputy of Ireland at the close of the reign of Henry VIII., pursued a line of policy different from that of exterminating the Irish, or breaking "truce or peace" with them. Contrary to this old mode of proceeding, he adopted another course, which conciliated the proud native chieftains, and secured their willing obedience to the government. It, therefore, may now be truly said, that had it not been for the religious changes which occurred in his time, and the consequences which followed, Ireland would since have enjoyed nearly three centuries of comparative peace, civilization, and prosperity. See the admirable letter of those conciliated Irish chieftains to Henry VIII., written from Dublin on the tenth of the Calends of April, 1546, State Papers, part iii. vol. iii. p. 562, in which they proclaim their allegiance to the King, and express their deep regret at the departure of the good Lord Deputy; using, amongst others, the following memorable words, "*O si majoribus nostris tales contigissent moderatores.*" That in these expressions, the native Irish lords were sincere, and not, as Leland, Cox, and other "historians" of that class would assert, dissimulating, appears by the communication which immediately follows in the same volume, p. 563, from Sir Thomas Cusake, then Master of the Rolls in Ireland, to Chief Secretary Paget in England, which states their grief, even to "weeping," for Sentleger's departure, "because they found him so good and just in his proceedinges, and to his power woulde not suffre wrong to be donn to them:" to which the writer adds this remarkable fact, "so that thaunkes be to God, those which woulde not be brought undre subjeccion with ten thousande men, cometh to Dublin with a lettre." So important did the foregoing documents appear to the writer hereof, as vindicatory of the native Irish chieftains, that he transcribed them with others, many years ago, from vol. vi. of the originals in the State Paper Office, London, as they were then arranged. They have been since printed with the *selection* of the other Irish Correspondence and State Papers (temp. Hen. VIII.)

injured by that occasion, and he shall moreover make fine at the King's will; and if there is not wherewith to make restitution to those who shall be injured, he shall remain in perpetual confinement. And such wardens and sheriffs shall have power to inquire concerning those who shall have broken the peace.

XXVII. Also, it is ordained that if dispute shall arise between English and English[c], whereby the English on one side and on the other shall gather to

before referred to, London, 1834. The publication of the remainder of this Irish series, for the three reigns following Henry, would be an inestimable boon to the future historian of Ireland. Indeed, without them, the history of this land must for ever remain imperfect.

[c] *English and English.* — The disputes between the "English" in Ireland began early, and continued long. See their own histories, and treatises, from Cambrensis in the twelfth, to Leland in the eighteenth century; but particularly, one, and that, perhaps, the best of these treatises, viz., Davies' "Discovery," under the head "War and Dissention of the English Lords with one another." That these writers have not told the *whole* truth may safely be believed. But they contain sufficient to show, that the first adventurers were men of indifferent character, and desperate fortunes at home; that they were needy, greedy, and eminently vicious; that they rushed to Ireland resolved to better their fortunes or perish in the attempt: and that having succeeded against the Irish, even beyond their most sanguine expectations, they soon began to quarrel amongst themselves, and at length turned their arms with the utmost virulence against one another. The wars between the English and the Irish, the wars among the Irish themselves, and the wars of the English with one another, have continued uninterruptedly for centuries: insomuch, that had our celebrated countryman, Edmund Burke, but remembered the history of his native land, he need not have resorted to that of Sicily, to support the reasoning in his "Vindication of Natural Society." His words, with little variation, forcibly apply to *Ireland*. "What an Aceldama, what a field of blood *Sicily* (read *Ireland*) has been in ancient times, whilst the mode of its government was controverted between the republican and tyrannical parties, and the possession struggled for by the natives, the Greeks, the Carthaginians, and the Romans, your Lordship will easily recollect. You will remember the total destruction of such bodies as an army of 300,000 men. You will find every page of its history dyed in blood, and blotted and confounded by tumults, rebellions, massacres, assassinations, proscriptions, and a series of horror beyond the histories, perhaps, of any other nation in the world: though the histories of all nations are made up of similar matter. I once more excuse myself in point of exactness for want of books. But I shall estimate the slaughters in this island but at two millions; which your Lordship will find much short of the reality." What a true picture is here unintentionally drawn of the state of Ireland, as well before as since the time of the Anglo-Norman invasion. Should the reader wish to pursue this subject further, he will find, in the famous Peter Walsh's Prospect, London, 1682, 8vo.

en pais[1] Illeque a demourer pour guerrer et grever autre a grande domage al destruction de liege pouple du Roy Accorde est et assentu que null Englois soit si

1. *paix?*

pp. 75–125, some vivid allusions to the wars, and incredible destruction of the human race in Ireland, which will suffer nothing by a comparison with Mr. Burke's notices on those of Sicily, above quoted.

But to return to the "disputes between English and English." In Mac Geoghegan's version of the Annals of Clonmacnoise, before referred to, the following entry appears at A. D. 1311. "But by the way, this much I gather out of this history, whom I take to be an awthentick author and a worthy prelate of the Church that would tell nothing but truth, that there raigned more dissentions, strife, warrs, and debates between the Englishmen themselves in the beginning of the conquest of this kingdome, than between the Irishmen, as by perusing the warrs between Lasies of Meath, John Coursey, Earle of Ulster, William Marshall, and the English of Meath and Munster, Mac Gerald, the Burks, Butler and Cogan may appear."—See also Campion, ch. vi., A. D. 1328, for the "*Great variance* (*Wars*), arising between the *Geraldines*, *Butlers* and *Berminghams* on the one side, and the *Powers* and *Burkes* on the other;" and for what, gentle reader, think you, did all this "great variance" arise; why simply, "for tearming the Earle of Kildare a *Rymer ;*" and for this, the noblest blood of the Pale has been shed in torrents. See, also, the same "Historie," ch. vii. for the utter destruction going on in the parts of Corke, about the same period. But King Edward III., in order to check or reform these turbulent chiefs of English race, in A. D. 1341, issued an edict for the resumption of all grants of lands, and many offices, made by him and his father, Edw. II.—See Leland, book ii. c. iv., who calls it an "iniquitous and impolitic" edict, because it affected the favourites of this historian of the Pale; also Cox, vol. i. 117, who, seeing its necessity, was more becomingly silent on the subject. But even this measure proved ineffectual, for by the "Ordinance made for the Estate of the land of Ireland," A. D. 1357, it appears that dissension, crime, and misrule then prevailed to a frightful extent within the Pale.—Statutes of the Realm, Lond. 1810, vol. i. p. 357. Notwithstanding the Statute of Kilkenny, which was but another abortive attempt to reform those abuses, they continued unabated during the succeeding century. By an unpublished Act, passed 13 Edw. IV., reciting "that as well towards resisting and subduing the Irish enemies, as towards the banishing of the *great extorsion, oppression, and other mischiefs committed by English rebels, most pitiably, and most lamentably;* it was enacted, that a retinue of eight score archers, and sixty-three spearmen shall be had, for a quarter of a year, within the counties of Dublin, Meath, Kildare, and Uriell" (Louth). — Original Roll. This Act clearly demonstrates both the wickedness and weakness of the English at that time. Even later, viz., A. D. 1539, the Lord Deputy Gray, describing to his "singler good Lorde," Crumwell, the misdeeds of the principal inhabitants of the Pale; or, to use his own words,

to themselves English and Irish being at peace, there to remain to make war upon and aggrieve the other, to the great damage and destruction of the King's liege

" all suche lordys, and gentylmen, as be borderours apon the merchys of Iryshemen:" tells him, " I thinke verelye, that theyr ys no more falsehede in all the devylles of hell then doyth remayn in theym." — State Papers, part iii. vol. iii. p. 144.

As it appears by our oldest Anglo-Irish records, that the trial by judicial combat, " Vadiatio Duelli," or Wager of Battel, had been frequently resorted to by the English of the Pale, although the members of several corporations stood specially exempt from it by charters; it may not be irrelevant here to notice one or two instances of this ancient " legal practice." On a roll of Common Pleas, 6th Edw. I., A. D. 1277, memb. 6, preserved in the office of the Remembrancer of the Exchequer, Dublin, " Geoffry de Prendergast seeks against Paganus de Hynteberg, 5 carucates of land in Clontferte, &c., as his inheritance; the said Paganus is ready to defend his right thereto by his freeman, and the said Geoffry is prepared to assert his claim by another. Ideo vadiatum Duellum, et dies datus est per curiam, apud Drogheda. Veniunt Campiones armati et percussum est *Duellum*, ita quod appellator devicit defensorem: ideo consideratum est per curiam, quod predictus Galfridus recuperat predictas terras," &c. Again, on another Roll, 8th Edward I. A. D. 1279, Memb. 5, f. " Osbertus Furlang sequitur et appellat Laurentium Cas (vide p. 61, note [m], *ante*), et predictus Laurentius venit et defendit vim et injuriam, et quicquid est contra pacem paratus est defendere *per corpus suum:* ideo vad. duellum, et veniant armati, die martis proxime post festum S. Jacobi, apud Dublin. Ad diem illum venerunt predicti appellator et defensor armati, et Magister Robertus [ ]raund officialis archidiaconi Dublin, asserens ipsos ambos clericos esse et coronatos, petiit illos restitui sancte Ecclesie; affirmans quod, licet ipsi renunciarent privilegio cleri, libertas sancte ecclesie no . . . [*illegible*] Ideo liberati sunt eidem officiali."—See, also, Printed Calendar, Rot. Pat. et Claus. 2 Edw. II. No. 89.—Spelman's Glossar. voc. Campus, Duellum.—Blackstone's Commentaries, B. iii. c. xxii.—Henry's History of Great Britain, B. iii. c. iii. sec. 1; and Harris's Hibernica, part ii. p. 214.

Appeals of treason became so frequent among the contentious inhabitants of the Pale, that Parliament was frequently obliged to interfere to repress them.—See Cox, vol. i. p. 164, for notice of an Act against *false Appeals*. In A. D. 1460, 38 Henry VI., another Act was passed in the Parliament held at Drogheda, before Richard Duke of York, L. L. " that every *Appeale* taken in this land, of *Treason*, shalbe determined before the Councell and Marshall of this land, and in no other place. And if anye person doe appell anie other within this lande, and that the matter of the same Appeale *is found contrayrie*, that then the person comensinge thappell shalbe *therefor adiudged to dye*, and that no person, in that case, shall save him."—Abridgment Stat. Lib. T. C. D. (MS.) See this Act translated in GALE's able " Inquiry into the Ancient Corporate System of Ireland," Appendix, p. cclxi. At a later period, viz., A. D. 1583, Hooker, p. 445, and from him Walsh, Hist.

si hardie de mener[1] guerre entre autre damener nuls Englois my Irroys en paix disormais par telle a chescun[2] et si les faict et de ceo soit atteint soit jugement de vie et dos membres leur terres forfaitz.

XXVIII.

1. *mover?*—2. *encheson?*

Dublin, vol. i. p. 65, describe a remarkable combat in Appeal of Treason, fought in Dublin Castle before the Lords Justices, by two unfortunate Irish gentlemen of the great family of O'Connor of Offaly (Ui Failge), who were *urged* to the "Battel," to glut the eyes of the "English" spectators there assembled. One of these degraded Irishmen slew and decapitated the other, and presented the head on the point of a sword to the Lords Justices; and it appears that one of those Lords Justices was the then Archbishop of Dublin! a fact not noticed by the above writers, nor by Cox, vol. i. p. 368; although the latter charges P. O'Sullivan with mistakes in his account of the transaction, for which see Compend. p. 108.

The last *proceeding* of this kind in Ireland took place in A. D. 1815. In the preceding year, Thomas Clancy, an agricultural labourer, was tried at the Westmeath Assizes, for the murder of Bryan O'Reilly, Esq., and acquitted. James O'Reilly, brother, and heir-at-law of the deceased, sued forth of the King's Bench, a writ of appeal of death. The defendant was arraigned in Court, on the 3rd February, 1816, and pleaded "that he was not guilty, and *would prove the same by his body.*" To this "Wager" the appellant entered a counter plea, to which the defendant "demurred." The Court postponed the consideration of the case from term to term, and before judgment could be obtained, an Act passed the legislature, 59 Geo. III. c. 46, "to abolish appeals of murder, treason, felony," &c. On 24th August, 1819, the Court having read the Act, ordered the defendant to be discharged; and thus terminated, in Ireland, that barbarous remnant of feudal law, called "Wager of Battel."

Early instances of that bane of society, *private duel*, may also be traced among those records. For a curious account of the memorable dispute and duel between William Vesey, L. J. of Ireland, and John Fitz-Thomas, Earl of Kildare, see Holinshed, vol. vi. p. 241, London, Edit. 1808: also Grace's Annals, edited by the Rev. Mr. Butler, Dub. 1842, p. 43. Flatisburie, or whoever compiled the narrative in Holinshed, has erroneously stated, that these rivals went *voluntarily* to the King; but it appears by the mandate to which Mr. Butler refers from the new Edition of Rymer, and which is enrolled, Rot. Claus. 22 Edw. I. Tur. London, that they were *commanded* to go before him. One of the oldest notices of duel between private individuals in Ireland occurs on a Patent Roll, 29 Edw. III. No. 139, A. D. 1356, preserved in the office of the Remembrancer of the Exchequer, Dublin. This was a mandate from the King to prevent a duel, directed to John Serjeant, Mayor of Dublin, and Gilbert Giffard, Knt., reciting, "pridem nostris insonuit auribus fama publica nuntiante, quod inter Robertum Drake et Alexandrum de Cretyng dissentione suborta, idem Rob. verbis indecentibus, se bellum cum prefato Alex.

liege people ; it is agreed and assented that no English shall be so daring as to make war with each other[d], or henceforward to draw away any English or Irish at peace for such purpose, and if they shall so do, and thereof be attainted, there shall be judgment of life and members, and their goods forfeited.

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more ritnque armorum, optulit commissurum, *ciroteca in signum pugnandi* ad hoc prestita et recepta, dictusque Alex. dictam cirotecam cum effectu gratanter accipiens, aliquali deliberatione habita, prefato Rob. diem et locum pugnandi, *sicut ad ipsum pertinuit*, assignavit, viz. die lunæ, &c., in campo subtus abbatiam beate Marie juxta Dublin, ubi hastiludia communiter habeantur: Nos, absque deliberatione provida, nolentes bella hujus [modi] in terra nostra Hib. presertim in nostra absencia et super querela sine causa, que non ratione fulcita sed injusta et insufficiens reputatur, taliter tolerare; assignavimus vos ad querelam sive debatam hujus, si partes ad diem et locum accederint supradictos, bellum ad invicem commissuri, absque omni eorum congressu bellico in manum nostram capiendum; donec de facto ipso deliberati, aliud inde duxerimus ordinandum; et ex parte nostra, dictis partibus seu comitivis suis secum venientibus, sub gravi forisfactura suorum corporum, equorum, armorum et bonorum suorum quorumlibet, inhibendum ne eedem partes pugnent vel bellum sic committant, &c., Teste apud Dublin, VI. die Junii—Per ipsum justic. et concilium." Duel, in its modern meaning and practice, was unknown among the early Irish. The quarrel of an individual of one tribe, with a member of another, generally became the quarrel of all; and usually terminated in a "war," or predatory incursion. Within the tribe itself, insulted honor or personal injury was considered to be fully satisfied by an *eric* or mulct. In after times, when this state of society disappeared, private duel began, and produced the "nineteen-duel-Dicks, hair-trigger-Pats, and feather-spring-Neds," of the last century. The Annals of the Four Masters, at A. D. 1583, record a sanguinary duel fought in that year; see, also, the Gentleman's Magazine, March, 1784, and Selections from same. Lond. 1814, vol. i. p. 376, for a combat fought in Smithfield, Lon. "secundum legem armorum," A. D. 1429.

[d] *War with each other.*—Several mandates from the Kings of England, and their Irish government in Dublin, appear on record, commanding the turbulent lords of English race, in Ireland, to cease from "warring" upon one another.—See the printed calendar of the Patent and Close Rolls, Ireland, p. 61, A. D. 1356, for writs of this nature, to Sir Edmund de Burgo, Knight, and Thomas de Bermyngham, Baron of Athenry, both of English lineage, directing them not to levy war against the "Clanrichardes," (De Burgos), also of English descent; who had, shortly before that time, "degenerated into the Irish customs and manners, and assumed Irish surnames instead of their own."—See Harris in Ware's Antiq. vol. ii. p. 59. Our native Annalists, the Four Masters, and Mac Geoghegan, from the Annals of Clonmacnoise, before referred to, inform us, that, at that time, considerable warfare raged among the *English* chieftains of Connaught, in which the *Irish* joined as matter of course: that the English of West Connaught defeated Mac William Burke, and killed many of his people; that Edmund, the son of William, who was son

XXVIII. Item accorde est que nul home de quil estate ou condicion que soit fait nul mainere[1] de distorbaunce a nul de ministre de nostre Seignour le Roy par quoy il ne peult son office face et que le face et de ceo soit atteint soit pris et emprisonne et reint a la volonte du Roy.

XXIX. Item ordeine est que nulles Engleis comunes mesfesours[2] ne comunes robiours ne abaratours[3] soient mayntenuz par nul de la Court le[4] Roy ne[5] par les graundez ne[6] petitz de la terre & la perile quapparent[7] cestascavoir[8] qil[9] soit seignour del franchise perde sa franchise & si autre person soit pris & reint a la voluntele[10] Roy.

XXX.

1. *Maniere ?*—2. *malefacteurs.*—3. *barretours.*—4. *du.*—5. *ny.*—6. *ny.*—7. *pareil rarent.*—8. *assavoir.*—9. *sil.*—10. *du.*

of Richard de Burgo, was slain by the old Irish sept of *Siol-Anmchadha* (the O'Maddens), that Richard oge de Burgo gained a signal victory over the people of Edmond, the son of William de Burgo, and the Siol-Anmchadha; and that Stephen Mac Jordan and Henry Mac Philbin, also of English race, and sixteen of the nobles of the Siol-Anmchadha, were slain in the conflict. At the time of the enactment of the Statute of Kilkenny, the wars and dissensions between the English in Ireland were general.—See all the authorities above quoted, also Davies, Discovery. Even Cox relates, that "they were now grown so degenerate, that they preyed and pillaged one another."—Vol. i. p. 127. He might have added, that they murdered and burned one another indiscriminately. What little effect the Statute of Kilkenny had in repressing those evils appears by the history of the subsequent period.

[e] *Malefactors.*—This enactment is nearly the same as one of the "Ordinances for Ireland," 25, 26 Edw. III., referred to p. 16, *ante*, note [n]. These, and numerous subsequent documents on record, point out the corruption of morals, both public and private, within the pale, in those times. The feuds and dissensions which might be expected from such a state of things, increased so much during the fourteenth and fifteenth centuries, that at last the power of the English was nearly extinguished. The limits of the Pale were gradually reduced, and had the native Irish chieftains been but united in one common cause, they would, perhaps, have put an end to English power in Ireland. Towards the middle of the fifteenth century these dissensions raged violently; and mutual recriminations of treason, murder, sorcery, and of almost every other species of crime, disgraced the contending factions. In a Parliament held at Trim, A. D. 1447, the following hitherto unpublished Act was passed: 30. "Likewise, at the prayer of John, Archbishop of Armagh, Primate of Ireland; Richard, Abbot of St. Thomas, near Dublin; John, Abbot of St. Mary's Abbey, near Dublin; Thomas, Abbot of Baltanglass, and all other lords, prelates, and gentlemen that lately, by virtue of the King's writs, for their faithful acquittal have passed into England, to answer there to their certificate long time before sent to our Sovereign Lord the King: that whereas, by the subtle malice, and malicious suits of certain persons slandering a man of rank, this land was entirely slandered,

XXVIII. Also, it is agreed that no man of what state or condition he be, shall make any manner of disturbance against any of the officers of our Lord the King, whereby he may be unable to execute his office; and he who so does, and thereof shall be attainted, shall be taken and imprisoned, and make fine at the King's pleasure.

XXIX. Also, it is ordained that no English, being common malefactors[c], or common robbers or barrators, shall be maintained by any of the King's court, nor by the great or little of the land, upon the peril that awaits it, that is to say, that if he be a lord of a franchise, he shall lose his franchise, and if any other person, he shall be taken and make fine at the King's pleasure.

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and still is, in such slanderous matters which never were known in this land before, as in ruining or destroying any man *by sorcery or necromancy; the which they think and believe impossible to be performed in art:* It is ordained and agreed, by authority of this present Parliament, with the entire assent of the lords spiritual and temporal and commons of the said Parliament, that our Lord the King be certified of a truth in this matter, in avoidance of the slander of this land in common, asserting that *no such art was attempted in any time in this land*, known or rumoured among the people, nor any opinion had or entertained of the same by the laymen of this land, until now. And also, that our Lord the King be thanked, for that it has pleased his high discretion and providence to send here the most noble and gracious lord, the Lord Shrewsbury, his lieutenant, in succour and protection of this land, by whose coming the said land is relieved; and also to thank our Lord the King, for that it hath pleased his high royal Majesty to admit the said suppliants graciously to his presence, to the singular honour of this land, and soberly and benignly treating them with expedition and abundant dispatch, to send them back into this land for succour and defence of the same."—Orig. Roll. It is probable that this Act was passed through the influence of the friends of the then Earl of Ormond, and that he was the "man of rank" alluded to in it; the same for whom the sun "stood still" to enable him to vanquish the O'Mores.—See *ante*, p. 81, note [y]. It would also appear that this nobleman had been charged with destroying people "by sorcery or necromancy." He was, moreover, accused in London by the "chivalrous" Prior of Kilmainham, of high treason; and it was determined that the accusation should be decided by single combat, but that was prevented by the King. In the succeeding Parliament held in Dublin, before Richard Duke of York, A. D. 1450, an Act, chap. 10, was passed, "that the King's highness shall be humbly thanked from the most body of his Parliament in this land, for the just deliverance of the Earl of Ormond, upon his accusation in England."—Orig. Roll. For the "Act against Witchcraft and Sorcerie," see Irish Statutes, 28 Eliz. ch. 2. It is curious and worthy of remark that Elizabeth's Parliament believed in *Sorcery* or *necromancy*, and that Henry the Sixth's Parliament did not.

XXX. Item ordeine est que les cheifs serjantes de fees[1] et lour Atturnees facent duhe[2] execution de mandementes le Roy &[3] des viscountes come is deveroent faire et sils ne facent[4] & de ceo soient[5] atteintz soyent lour bailles seises en la maine le[6] Roy & lour corps a[7] la prisone & quilz desormes ne lessent lour ballies a pluis haut ferme que en ancient[8] estoit solounc ceo[9] que par le statut sur ceo[10] fait en Engleterre est ordeine.

XXXI. Item que come somons del Eschequer nostre Seignior le Roy Dirland vienents[11] a diverse Viscountz et Seneschalles de le franchise pour les dettes[12] nostre Seignior le Roy lever de diverses gentz en lour Baillees les queux[13] Viscountz & Seneschalx ensemblement ove[14] les serjantes[15] de Countees en franchises si fount lever diverses sommes dez ditz dettes de diverse gentz de countees franchises & les ne[16] acquitent my sur lour accomptes al Eschequer mes si[17] excusent par les Serjantes[18] de fee et lour lieutenauntes par que la paie des dettes nostre Seignior le Roy si est targe delay et le people grauntement endamadge

1. *Le chief servant de chief fee.*—2. *deux.*—3. not in B. M.—4. *si ne le font.*—5. *ce sont.*—6. *du.*—7. *en.*—8. *temps*, B. M.—9. *ce.*—10. *ce.*—11. *vienhe.*—12. *de*, B. M.—13. *quelles.*—14. *ou.*—15. *servauntes.*—16. *ne les.*—17. *mais se.*—18. *servauntes.*

[f] *Serjeants.*—Fr. Serjeant, Serviens. This word is "diversely" used in the law of England, and is still retained, viz. Serjeants at law, at arms, of the mace, ad clavum, &c. In Britton it is used for an officer belonging to the county, the same whom Bracton calls servientem hundredi, Book v. chap. iv. No. 2; and is no other than the bailiff of the hundred. The steward of a manor is called serviens manerii.—Coke, vol. iv. copyhold cases. In the Parliament holden at Dublin, A. D. 1450, it was enacted, that "in all countyes and franches where ther be *seriants* called head or chief seriantes, the same seriants shalbe chardged against the Kinge, and against the lords of the franches, within the franches, with all issues that shalbe retorned by them. And that the sherife shalbe thereof dischardged, to endure for six years."—Abridgment of Statutes, 11 Henry IV., to 11 Edw. IV. preserved in the MS. Library, Trin. Col. Dublin, E. 1, 41.

[g] *Summonses.*—Summonitio. In general, a writ of the King to warn one to appear at a certain day and place. The summonses alluded to in the Statute, were those which issued to levy the King's debts; and these "debts" or exactions were so frequent, and excessive, and such extortions were practised in levying them, that the people were "vexed and sore oppressed," and that, to such an extent, that they were often "gladde to sell their landes and freeholdes, rather than alway to bere and be under the said extortion."—See State Papers, part. iii. vol. ii. p. 9. It, therefore, generally happened that these "debts" could not be levied; and they were consequently returned, and continued in arrear for many years. Succeeding officers were "charged" with them, and this practice

XXX. Also, it is ordained that the chief serjeants[f] of fees, and their attorneys, do duly execute the writs of the King, and of his sheriffs, as they ought to do; and if they shall not so do, and thereof be attainted, their bailiwicks shall be seised into the King's hands, and their bodies be sent to prison: and that henceforth they shall not lease their bailiwicks at a higher rent than anciently it was, according to what by the Statute thereupon made in England is ordained.

XXXI. Also, whereas the summonses[g] of the Exchequer of our Lord the King, of Ireland, come to divers sheriffs and seneschals of franchise, to levy the debts of our Lord the King off divers persons in their bailiwicks; the which sheriffs and seneschals, together with the serjeants of counties and franchises do accordingly levy divers sums of the said debts off divers persons of counties (*and*) franchises, and do not discharge them in their accounts at the Exchequer, but excuse themselves by the serjeants of fee and their deputies, whereby the payment of the debts of our Lord the King is so retarded and delayed, and the people

occasioned much "vexation" and trouble, without any benefit: to remedy which, the following hitherto unprinted Act was passed in the Parliament held at Naas, A. D. 1472: 9. "Likewise, at the request of the commons, whereas, by the course of the Exchequer of our Sovereign Lord the King, within his land of Ireland, sheriffs of counties, seneschals of liberties, sheriffs within borough-towns, mayors and bailiffs of cities within the said land, upon their accounts in the said Exchequer, opposed upon divers ancient debts of the King, remaining of record, as well in the great Roll of the said Exchequer, as in divers other records within the said Exchequer, which detain the said sheriffs of counties, seneschals of liberties, mayors, and bailiffs, and sheriffs within borough-towns, a long time, upon the opposal of the ancient debts, which are contained in the records of the years of different Kings, that is to say, in the records of our Sovereign Lord the King that now is, and in the records of the years of King Henry the Sixth, King Henry the Fourth, King Henry the Fifth, King Richard the Second, and in the records of divers years of King Edward the Third, to the great costs and expences of the said accountants; labour and charge to the officers of the King of his said Exchequer; and no profit accruing to the King in the said ancient records: whereupon, the premisses graciously considered, it is ordained, enacted, and established, by authority of the said Parliament, that all the said accountants shall not be further charged or opposed, upon the said ancient records, except to the records of the xxx. years of King Henry the Sixth."—Orig. Roll, and "Red Book" of the Exchequer, 78. See Howard's "Treatise of the Exchequer," 4to. Dub. 1776, for useful information on this subject: Also the reports of the Commissioners of Records, Ireland, vol. i. pp. 135, 136, for satisfactory returns from the Clerk and Comptroller of the Pipe, in A. D. 1811.

madge de eco[1] qilz ne soint my acquitez de les[2] deniers qilz ont pais accorde est et assentz que quant lez Viscountz et les[3] Seneschalx de Loueth Mid. Trim Dyvelin Kildare Cathirlgh Kilkeny Weys Waterford et Tipperar vienent pour lour

1. Not in B. M.—2. *des.*—3. not in B. M.

[h] *Tipperary.*—The term comitatus, county, is derived from comes, the count of the Franks, that is, the earl, ealdorman (as the Saxons called him) or alderman of the shire, comitatus, or county.—See Blackstone, Introd. s. 4; also the laws of Edward the Confessor; "quod modo vocatur comitatus, olim apud Britones, temporibus Romanorum, vocabatur consulatus," ch. ii. According to Ingulphus, England was first divided into counties by King Alfred, qui regnum iniit A. D. 871. "pagos et provincias in *Comitatus* primus commutavit." But this is doubted by the learned Spelman, Glossary, 143, and by other eminent antiquaries. This term comitatus, and the territorial division which it implies, were unknown in Ireland until after the arrival of the English.

Although Sir John Davies, and others after him, have asserted, that "King John made twelve shires in Leinster and Munster, namely, Dublin, Kildare, Meth, Urial, Catherlogh, Kilkenny, Wexford, Waterford, Cork, Limerick, Kerry, and Tipperary," Discovery, p. 93; yet they have not adduced any proof in support of that assertion; nor is there, as I apprehend, any such proof on record. Ware was too well informed to countenance or notice that statement.—See Disquisit. de Hib. 8vo. Lond. 1654, cap. 3. Also Harris's edition, with his interpolations in that chapter; and his admission, chap. v., that this pretended division was but "a popular opinion which has prevailed, and been universally received." After this admission, it is strange that Harris himself should, in the same chapter, go even farther than Davies by asserting, "*I think* that it can be made appear, by evidence *not to be controverted*, that *Henry II.* Anno 1172, *divided Ireland into shires.*" Here the reader may reasonably ask, "quid dignum tanto feret hic promissor hiatu?" In the first place Harris, though he made this assertion, in his edition of Ware, with all the appearance of originality, was yet but the unacknowledged copyist of Sir Richard Bolton or Patrick Darcy, and of Serjeant Mayart, whose tracts then lay in his hands, unpublished. Following them, therefore, he has adduced two grants, or letters patent, one of Henry II. and the other of the 7th year of King John, A. D. 1205. In the former, which may be seen in Hibernica, part ii. p. 210, the official titles, Sheriff and Justice, appear; wherefore, Harris, with Mayart, concludes, "that King Henry II. could not act so absurdly as to direct a patent to sheriffs and justices, if there were no such officers then established in Ireland," and, therefore, it follows, say they, that he divided Ireland into shires! The other proof is the well-known charter of John to Waterford, A. D. 1205, in which Justices of Assize in the county (comitatus) of Waterford are mentioned; and for that reason also, they conclude, that Henry II. divided Ireland into shires, and that as early too as A. D. 1172. Such are the proofs and conclusions of these learned men. Now, on looking into the *ori-*

people greatly injured, in this respect, that they are not discharged of the money that they have paid; it is agreed and assented, that when the sheriffs and seneschals of Louth, Meath, Trim, Dublin, Kildare, Catherlogh, Kilkenny, Wexford, Waterford, and Tipperary[h], shall come to render up their accounts before the

ginal inrolments of those two pieces of "incontrovertible evidence," I find, that the first, which is preserved on the old roll entitled "Antiquissimæ literæ patentes," still remaining in the Rolls' Office, Dublin, is without date, but appears to have issued from *Winchester*, where Henry frequently sojourned, "propter aeris serenitatem;" particularly in A. D. 1176 and 1186. See Doctor Milner's excellent history of that city, vol. i. pp. 219, 222. In that period, as appears from records yet extant, the titles of the nobles, clergy, and legal officers of the Crown, were frequently included in the direction of the royal grants and mandates, although in the localities to which those mandates related, no such personages or officers might be known. Thus, the original grant of Dublin to the men of *Bristow*, in A. D. 1172, still extant in Archivis Civit. Dublin. and one of the earliest acts of Henry the Second in Ireland, is directed to "the Archbishops, Bishops, Abbots, Earls, Barons, *Justices*, *Sheriffs*, Ministers, and all other our lieges, *French*, *English*, and *Irish*, of our whole land," i. e. dominion. But at that time, in Ireland, as is evident from its history, no such official array as the foregoing existed.—See, however, Serjeant Mayart's reasoning on the subject, in Hibernica, part ii. p. 212. The treaty of Windsor, entered into, A. D. 1175, between Henry II. and Roderic King of Ireland, describes the different parts of this island reserved by Henry, "quas Dominus Rex Angliæ retinuit in dominio suo, et in dominio baronum suorum," but no allusion whatever is made to any such division as that of counties, viz., "Duvelina (*Dublin*), cum omnibus pertinentiis suis: Et Raida (*Drogheda*), cum omnibus pertinentiis suis, sicut unquam Murchat Vumailethachlin (i. e. *Murchadh O'Mailechlainn, King of Meath*), eam melius et plenius tenuit, aut aliqui de eo eam tenuerunt. Et exceptâ Vesefordiâ (*Wexford*), cum omnibus pertinentiis suis, scilicet cum *tota Lagenia:* Et exceptâ Waterfordiâ cum tota terra illa que est a Vaterford usque ad Duncarvan, ita quod Duncarvan sit, cum omnibus pertinentiis suis, infra terram illam."—See for this treaty, Rymer, old Ed. Ex. Ben. Ab. in Bibliol. Cotton. from which it may safely be inferred, that no *counties* existed in Ireland in A. D. 1175.

With respect to the second proof, drawn from the charter of John to Waterford, A. D. 1205, it is true that the words "Justiciarii ad assisas capiendas in comitatu Waterford," do occur in that instrument (presuming that so recent an inrolment as 15 Jac. I. p. 5, m. 5, of so old and mutilated an original can be relied on), and it is admitted that, about that time, the English began to apply the term comitatus to some of the Irish territories of Leinster and Munster; not, however, in the defined and legal meaning of Davies, Mayart and Harris, but to distinguish those territories by a term then used in England, and consequently familiar to the settlers here.

lour[1] accomptes rendre devant Treasorer ou[2] Barones des issues de lour Baillees que[3] les Serjantz de fee que sount presentz & les Deputies de eux que sont hors de terre soint distreintz de venir en leschequer & illoeques demerer ove[4] lez ditz viscountes & Seneschallx tanque ces[5] ditz Viscountz & Seneschallx eint[6] pleinement accomptes Et si issint soit[7] que les ditz Viscountz ou Seneschalx pourront charges les ditz Serjantes ou lour Deputies qilz ont receuz deniers le[8] Roy de nully nient[9] fesant la paie as[10] ditz Viscountz & Seneschallx & sur ceo[11] soient atteintz demorent lour corps en garde du[12] marchall tanque gree soit fait a nostre Seignior le Roy de ses[13] deniers en descharge[14] des dettours nostre Seignior le Roy ou des ditz Viscountes ou Seneschallx silz eient[15] de que et si ne ye[16] demorgent en prison tanque ilz soient deliverez par le counseil & ne pour quant[17] soient les Viscountes & Seneschalx ent charges sur lour accompte come devaunt Et que toutz la dettes levez par les serjantes soient paies a[18] Viscountz par endenture entre eux faitz issint[19] que quant les ditz serjeantes vienent sur laccompte de Viscont en leschequer quilz puissent monstrer lour Indenture[20] & tesmoigner des queux ilz[21] ount receuz leez Deniers le[22] Roy & des queux nemy[23] Et pour ceo que Countees de Conaght Kery Corcke

1. *les.*—2. *et.*—3. *§.*—4. *on.*—5. *les.*—6. *soient.*—7. *sil est.*—8. *du.*—9. *non.*—10. *au.*—11. *ce.*—12. *de.*—13. *ces.*—14. *escharge.*—15. *si soient.*—16. *nemy.*—17. *pourroient.*—18. *au.*—19. *si.*—20. *ordinaunce.*—21. *de ceux quils.*—22. *du.*—23. *quelles non.*

In this case of Waterford; the term *comitatus* was intended to designate the narrow district, "extra muros civitatis," extending from Waterford, "usque ad Duncarvan," described in the treaty of Windsor. But that district was very different from the more extensive tract afterwards marked out as the county of Waterford. Even the "Justiciarii ad assisas capiendas," were but then recently instituted or revived in England. "Henricus II. hos itinerantes instituit vel potius restituit."—See Camden, Brit. 104; and Gibson's Edit. ecliv. I have perused several charters and other records between the years 1172 and 1205, and have not found any county named before the latter year, in Ireland. About that time, the English rulers perceived the necessity of having the portion of the country in their possession divided into districts like those of England. Accordingly, during the thirteenth century, several territories in the east and south, were gradually formed into counties, or were so called; some of them conterminate with the old districts, but others without any defined limits. Each new county received its name from the most important or remarkable place within it; and some counties comprehended several Irish districts. Thus, all those Irish districts which extended over the present county of Dublin, part of Wick-

the treasurer and barons, of the issues of their bailiwicks, that the serjeants of fee that shall be present, and the deputies of those that shall be out of the land, shall be distrained to come into the Exchequer, and there remain with the said sheriffs and seneschals, until the said sheriffs and seneschals shall have fully accounted; and if it shall so be, that the said sheriffs and seneschals can charge the said serjeants or their deputies, that they have received the King's money of any one, and have not made payment to the said sheriffs or seneschals, and they thereupon shall be attainted, their bodies shall remain in custody of the marshal, until satisfaction be made to our Lord the King, for his money, in discharge of the debtors of our Lord the King, or of the said sheriffs or seneschals, if they have wherewithal, and if not, that they shall remain in prison until they be delivered by the council, and nevertheless the sheriffs and seneschals shall be charged therewith in their accounts as before. And that all debts levied by the serjeants be paid to the sheriffs by indenture made between them; so that when the said serjeants shall come on the account of the sheriff in the Exchequer, they may show their indenture, and prove from whom they have received the King's money, and from whom not. And whereas the counties of Connaught

low, the entire of Meath (which included Westmeath to the Shannon), and part of Ulster, were all comprehended within what was called the county (comitatus) of Dublin.—See the Ordinance erecting Meath into a separate county, A. D. 1295, in Harris's Ware, vol. ii. p. 36, et Lib. Nig. aedis Christi, fo. 6. The same course was adopted with respect to Kildare, Catherlagh, Wexford, and the rest, whose limits were afterwards gradually defined. In England, a similar process seems to have been pursued, which has been thus described by Mat. Paris: "Infra metas illas continentur quædam prædia, et etiam civitates et castra quas *comitatui* suo assignare præsumunt," Anno, 1234.

Having filled the limits of these pages, I must here omit other notices on this subject, particularly on the *Crocea* or church lands, which were successively erected into counties with civil jurisdiction, viz. the "county of the Cross of Tipperary," &c. This division, which has long since become obsolete, appears to have been peculiar to Ireland, and unknown in England; wherefore, Sir Henry Spelman, in his Glossary, declared himself at a loss for the word, and has quite mistaken its meaning, a circumstance rare in that learned man.—See the Glossary and also Cowell's Interpreter, in voce. The few preceding observations may, however, serve to awaken the attention of some of our learned Associates to other errors, at present received as genuine Irish history. Leland, book i. c. 3, has copied Harris without examination. It appears that the late Dr. Ledwich intended to give a new edition of Ware's Works; but if we may judge from his own "Antiquities," the omission is not to be regretted.

Corcke & Lymerick sount si loyne de la Court que les serjaintes de mesmes les Countees ne poent bonement venir a le dit Eschequer destre[1] sur laccompt des Viscontes & Seneschallx de mesmes les Countees come auters serjeantes fount Accorde est et assentuz par[2] les serjeantes des ditz Countees ou lour Deputies

1. MS. injured in B. M.—2. *que.*

Connaught.—The districts here enumerated as so far distant from the "Court," comprehended at least one-third of Ireland; and of them the first, or Connaught, was the most extensive and important. This province, or as it has been generally called, kingdom, had been ruled by its native princes, of the O'Conor line, for nearly 1000 years before the enactment of our Statute. Torlogh Don, the son of Hugh (O'Conor), the last of its Kings, was killed, in A. D. 1406, after a reign of twenty-two years.—See the Annals of the Four Masters (of which a great portion relates exclusively to Connaught), and the Memoirs of the venerable Charles O'Conor, a descendant of those ancient Kings, by his grandson the late Doctor O'Conor, 8vo. Dublin, 1796. This writer in Cat. Bib. MS. Stowensis, thus laments the want of any historical account of that neglected region. "There is no history of the province of Connaught, neither is there of any town or district of that most populous part of Ireland, except this unpublished chronicle (i. e. *Annales Connaciæ, Hibernice, fol.*). The barren Orkneys, and the wilds of Caithness, Sunderland, and Morey, can boast of their histories; whilst the rich plains of Roscommon, Maio, Sligo, and Galway, and their towns and capitals are unrecorded and undescribed."—Vol. i. p. 73.

In the 13th century, the territory under the rule of the Kings of Connaught was, "by fiction of English law," divided into two "counties," namely Connaught and Roscommon, or rather, it was for legal purposes supposed to be so divided; and even nominal sheriffs were appointed. These "counties" were distinguished by an imaginary line running westwards from the Shamon to the sea. Northwards lay the "county" of Roscommon, so called from the old abbey of that name, where the present town of Roscommon was afterwards built—(see Ussher's Primordia, pa. 1066, and Annals of the Four Masters at A. D. 746)—and southwards lay the "county" of Connaught. But that the limits of these "counties" were undefined, see the record from the Plea roll, 17 Edw. II. A. D. 1323, in Harris's Hibernica, part ii. p. 69: and so they remained until the 16th century, when the whole province was divided into shires, as it stands at present.

In the fourteenth century, the De Burgos, or Burkes of this province, who were all of English descent, became "mere Irish," and seized on the possessions of the Crown there, which they afterwards retained in despite of all its power.—See p. 97, note [d], *ante.* This circumstance remotely led to the enactment of the Statute of Kilkenny, and also occasioned the following Act, passed in the Parliament holden at Wexford, 3 Edw. IV., A. D. 1463. "Whereas divers persons in the county of Connaught, have taken and occupied the King's ancient inheritance within the said county, without title or right: it is enacted that

naught[i], Kerry, Cork, and Limerick, are so far from the court, that the serjeants of the said counties cannot conveniently come to the said Exchequer, to be present on the accounts of the sheriffs and seneschals of the said counties, as other serjeants

proclamation be made in the said parliament, that all persons so possessed of said inheritance, shall appear before the Earl of Desmond, deputy lieutenant of Ireland, or his assigns, at Limerick, the week after the epiphany next, and produce their titles to the said inheritance, and satisfy the King of all issues and profits of the same, and such as do not appear, shall forfeit all their lands, &c. And proclamation was made accordingly."—Orig. Roll.

But the "remoteness of those parts," and the united power of the "English rebels" and "Irish enemies" rendered such enactments nugatory. The difficulties of transporting an army, and the dangers of individual travelling in those olden times, were considerable. These dangers are alluded to in the following entry on the original inrolment of the charter of Edw. I. to Limerick in A. D. 1291. "Irrotulatum, *propter viarum discrimina et alia pericula que poterunt immineri*, quoad portandam dictam cartam ad Dublin. et illam ibi ostendendam justiciariis in diversis placitis, quod frequenter fieri oportet."—Rot. Pat. 31 Edw. 1. n. 13. In after periods it was customary for persons to make their wills before they attempted to travel. Some of these wills, made in the 16th and 17th centuries, I have seen; and among them, that of captain Richard Martin of Galway (commonly called "nimble Dick") though one of the latest, was not the least curious. It began, "I, being now commanded towards Dublin, doe thinke fitt to make my last will and testament; 5th May, 1689." This individual was one of the most remarkable men of his time in Ireland. He first contrived to obtain grants under the Act of Settlement, of more *extensive tracts* of "forfeited" lands, than, perhaps, any other individual. Those lands lay, principally, in the district of *Conamara*, county of Galway; and, for nearly a thousand years before that time, were the inheritance of the great Irish family of O'Flaherty. He next had the address to obtain from William III. a confirmation of all those grants, by patent, dated 5th July, 1698, on condition that he should build a town at Clare, near Oughterard, fourteen miles north of Galway; a condition which he never performed. And this he obtained, although he was what, in the language of that day, was termed "a rank Papist," and had previously served under James II. against William. His descendant, the late colonel Richard Martin, M. P., celebrated for duelling, and humanity to animals, once humorously told King George IV. that the avenue to his castle extended upwards of thirty miles, within his own demesne. It is stated, that he would never admit himself to be of Anglo descent, but always asserted that he was a genuine Firbolg, one of the *Martinei*, a tribe of the ancient Belgian inhabitants of Ireland.—See "The Law of Tanistry illustrated," by Dr. O'Brien, and printed in Vallancey's Collectanea, vol. i. p. 498. "My grandfather," colonel Martin used to say, "only regained the possessions which our Firbolgic ancestors lost upwards of 2000 years ago!" This was, however, but "the Figary of an humersom man," as that paragon of historians, Cox, would have called it, see his Hist. I. 296.

ties quant un des Barones ove[1] Clerck assignes par Treasorer &[2] Baron vient par commission del Eschequer es parties suisditz pour la veretire[3] examiner & la dette nostre Seignior le Roy lever qe[4] a donques demorgent ou le dit[5] Baron ou Clerke tout[6] come les ditz Viscountz & Seneschallz demorgent Et si issint soit quilz ont enz[7] receuz de nully nient[8] fesant la paie as ditz Viscountz ou Seneschallx en la maniere suisdicte que a donques soient arrestuz et eient[9] la penaunce suisdit.

XXXII. Item pour eeo que les fees de[10] Viscountz si[11] sount ordines par estatute & les viscountz en la terre Dirland preignent en lour turnes de chescun Baronie

1. *ou.*—2. *ou.*—3. *verite.*—4. not in B. M.—5. not in B. M.—6. *taut*, 2nd copy.—7. *est quels aient rien.*—8. *non.*—9. *soit.*—10. *des.*—11. not in B. M.

[j] *Tourus.*—The Sheriff's court, kept twice every year, viz., within a month after Easter, and within a month after Michaelmas, is by Britton, cap. 29, called *Tour*, i. e. ambitus, circuitous, because the Sheriff kept a turn or circuit about his shire, holding the same in several places.—See Cowell in voce, and the other authorities there referred to; also Magna Charta, s. 35, in Statutes of the Realm, p. 118, Lond. A. D. 1810.

[k] *Barony.*—Although baronies are now but sub-divisions of counties, there is reason to believe that they were known in Ireland as territorial divisions, even before counties; that is, in such parts of Ireland as were subject to the English, for in the "mere Irish" territories both were wholly unknown. In the treaty of Windsor, between Henry II. and Roderic O'Conor, A. D. 1175, referred to, note [h], p. 103, *ante*, it appears that the lands reserved by the former were those "quas retinuit in dominio suo, et *in dominio baronum suorum*," and of these the latter were by far the greater portion. In the "Boke for winning Leinster," transmitted, A. D. 1537, by the lord deputy and council of Ireland to Henry VIII., it is stated "that the second Henry, called Henry Fitz-Empres, commyng hither out of Normandie to the conquest thereof, gave to souch as came with hym, and their heires in effect all the substaunce of the lande, and mad of theim som lordes, other knyghtes, &c., in so moch as in all Leynster he kept but one *baronye* or hundred, called the baronye of New Castell, sex miles from Dublin."—State Papers, part iii. vol. ii. p. 416. The origin of Irish baronies has been well explained in the excellent preliminary observations on the population returns of Ireland A.D. 1821, compiled by the Rev. Edward Groves of Dublin, with much ability and general information; and ordered by the House of Commons to be printed, 18th July, 1823. "The baronies appear to have been formed successively, in consequence of the submissions of the Irish chiefs or captains who ruled over them; *the territory of each constituting a barony.* This may in some measure account for the extreme inequality of size between those divisions of subordinate jurisdiction; and the manner in which parts of many of them are intermixed among each other, as is peculiarly observable in the

serjeants do, it is agreed and assented that when one of the barons, or a clerk assigned by the treasurer and baron, shall come by the commission of the Exchequer to the parts aforesaid, in order to examine the truth, and to levy the debt of our Lord the King, the serjeants of the said counties or their deputies shall then remain with the said baron or clerk, as long as the said sheriffs and seneschals shall remain, and if it shall happen that they shall have received any part thereof from any person, without making payment to the said sheriffs or seneschals, in the manner aforesaid, that then they shall be arrested, and suffer the punishment aforesaid.

XXXII. Also, whereas the fees of sheriffs are settled by statute, and the sheriffs in the land of Ireland take in their tourns[j] of every barony[k] in their bailiwick,

county of Cork. The cause of the difference in name between the Irish baronies and English hundreds has been thus accounted for. When the kingdom of Meath was granted to the elder De Lacy, shortly after the arrival of the English he portioned it out among his inferior barons, to hold under him by feudal service, and hence their estates naturally took the name of baronies; which *gradually* extended itself to similar sub-divisions of other counties."—Abstract, p. x.

But, in the "Irish countries," these divisions were unknown. Of this there are numerous proofs; of which one only will be here adduced, and that because of the contiguity of the "country" to Dublin. "Upon the submission of Art Mac Murrogh, and Malloch O' Murrogh, chief of their septs, and David More, and Manus Mac Gerald of the Kinseloghs, and divers others of the Irish (see for their names, Cox, i. 138) unto King Richard II., they did by indentures, 7th Jan. an. 12° covenant with the Earl of Nottingham, marshall of England and deputy of this kingdom, that they before the first sunday of lent, would surrender to the King the full possession of all the lands, tenements, castles, woods, and forts which by them and all other of the Kenseloghes, their companions, men or adherents, late were occupied within the province of *Leinster*, sine aliquo retenemento sibi reservato seu reservando quocunque modo sine dolo et absque fraude, and that they would leave the said countrie of Leinster to the true obedience, use and disposition of his Majesty. The Earl, on the part of the King, covenanted, that the chief men and their soldiers, or men of war, during their lives, should have pay in the King's war, and *should enjoy all such lands as they should conquer from the rebels;* and that Art Mac Murrogh, the chief of the Kavanaghes, should have a yearly annuity of fourscore marks, and his wife's inheritance in the county of Kildare. On the 12th of February following, a commission issued to the Earl marshall to receive the homage of Mac Murrogh and all the Irish of Leinster, and to take their homage and submissions (for the form observed on this occasion, see Cox, as above), and to distribute the lands of the chieftains and men of war who were to depart, to others of the King's subjects. On the 28th of April following,

Baronie en lour Baillie un marc per an & de chescune ville marche a le foitz xx^{s}. x^{s}.[1] & demi marc[2] a tresgraunde oppression de people accorde est & assentu que les Viscountz suisditz teignent lour turnes deux foitz par an cestascavoir[3] apres la fest[4] seint Michell et apres la pasqe[5] et quilz ne preignent si non xl^{d}. de chescun Baronie a chescun turne coment diverse villes marches ou Burghes soient[6] dedeins mesme[7] le Baronie Et si issint[8] soit quil soit[9] prie[10] par le Roy[11] de[12] Baronie sil ne soit requise ou prie a manger ne preigne riens [[13] & que nul Clerkes de Viscountz par cause de tiel turne ne preigne riens] Et auxint[14] que desore en avaunt nul denier soit leve de nul carue[15] de terre ne autre manere[16] par cause de celle office faire si non le demi marc par an come desuis est dit Et si nul face encontre le[17] ordinance suisditz & de ceo soit atteint soit commaunde a la prison & outre ceo rendre a ceux queux[18] il soit pris riens parr celle[19] cause encountre la dit ordinaunce la doble silz ce[20] veullent pleindre & puis soit reint a la volunte le[21] Roy et que nulles Viscountes de franchises que de reson devent[22] certeins ffees des Seigniors de mesme la fraunchise pour lour office faire[23] ne preignent paiez de ceo quilz preinent des ditz Seignours de franchises & silz facent[24] et de ceo soient atteintz cient mesme la penaunce.

XXXIII. Item pour ceo que les Comunes de la[25] terre se pleinent diversement estre grevez par defaut des[26] servantes dont les justices assignes de laborers moltz

1. x*d.*—2. not in B. M.—3. *assavoir.*—4. not in B. M.—5. *les pasques.*—6. not in B. M.—7. not in B. M.—8. *ainsi.*—9. not in B. M.—10. *paie.*—11. *Seignour.*—12. *la*, B. M.—13. [ ] not in B. M.—14. *ainsi.*—15. *charrue—carue,* second copy.—16.—*autrement.*—17. *les.*—18. *aus quelles.*—19. *telle.*—20. *se.*—21. *du.*—22. *ranson devant.*—23. not in B. M. 24. *si le font.*—25. "*diet*'" B. M.—26. *de.*

the King granted unto Sir John Beaumont and his heirs, all the manors and castles within the metes and bounds following, viz., from the bank of the Slane, on the part of the south, unto the Blackwater of Artlow, on the part of the north; and from the main sea on the east, unto the bounds of Catherlogh and Kildare, on the west (excepting the lands of the Earl of Ormond), to be holden by knight's service, in capite. In A. D. 1412, these lands so granted, were found, by inquisition, to contain seven *manors*, namely, Farringmall, O'Felmigh, Shermall, Lymalagoughe, Shelela, Gory and Dipps." The foregoing extract is taken from the curious "Report of general Grievances in this Kingdom," inrolled on the Patent Roll, 16 James I. part 3, A. D. 1619. At the time to which it refers, i. e. A. D. 1380, there were no baronies in that extensive tract of "Irish country." Two of the *manors*, which were all of after creation, subsequently became *baronies*, namely Gorey, in the county

bailiwick, one mark yearly, and of every market town at a time, twenty shillings, ten shillings, and half a mark, to the great oppression of the people; it is agreed and assented that the aforesaid sheriffs shall hold their tourns twice in the year, that is to say, after the feast of Saint Michael, and after Easter; and that they shall take only forty pence off every barony at each tourn, however numerous the market towns or boroughs may be within the said barony: and if he be so paid by the lord of the barony, unless he be requested or invited to eat he shall take nothing; and that no clerks of the sheriffs on account of such tourn shall take any thing; and also, that from henceforth no money shall be levied out of any ploughland, nor in any other manner, on account of executing this office, except half a mark yearly as is aforesaid; and if any person shall act contrary to the ordinance aforesaid, and thereof be attainted, he shall be committed to prison, and moreover, shall render to those from whom he shall have taken any thing on this account against the said ordinance, double thereof if they will complain, and shall moreover make fine at the King's will. And that no sheriffs of franchises, who of reason ought to have certain fees from the lords of the said franchise for executing their office, shall take any thing for their tourns from the people of their bailiwicks, but shall consider themselves paid by what they shall receive from the said lords of franchises; and if they do so, and thereof be attainted, they shall suffer the same punishment.

XXXIII. Also, whereas the commons of the [*said*] land complain that they are in divers ways distressed by want of servants,[1] whereof the justices appointed for

of Wexford, and Shillelagh in the county of Wicklow.

[1] *Servants.*—Servi, bondmen or servile tenants. Cowell, or his continuator, supposes that the *Servi* were those whom the lawyers called *Pure Villanes*, and *Villanes in gross*; who, without any determined tenure of land, were, at the arbitrary pleasure of the lord, appointed to servile works, and received their wages or maintenance at the discretion of the lord. Another class of a superior degree, were called *Villani*, because they were *villæ et glebæ adscripti*, i. e. held some cottage and land, for which they were burdened with stated servile offices, and were conveyed as a pertinence of the manor or estate to which they belonged. Others again rendered certain stated rents and dues. Thus, it appears by a grant, so late as 30th July, 1605, of the manor of Carlow by James I. to Donat Earl of Thomond, "that all the farmers and tenants of the several messuages and cottages are to render one sheep out of every flock exceeding seven in number, and one penny for every sheep under that number; a hen at Christmas; a dish of butter in May, and another in au-

moltz[1] en cause de ceo que les comunes[2] ses[3] soient de grant partie absentes[4] & fuent[5] hors de la dit terre Accorde est & assentu que par cause de vivere & vitailles sont[6] pluis encheriz quilz[7] ne solient que resonablement chescun laborer en son degre solonc discresion[8] de deux molth[9] & vadeux[10] & pluis sages de la[11] citee ville Burgh Village ou Hamlet[12] en pais la ou il ferra son labour preigne son leuer[13] grosse ou par journe & si ne vuiller faire[14] ne obeir soient pris par le[15] maier seneschall suffran[16] provost ou Bailly des cites &[17] villes ou ilz sount ou par le

1. *moult.*—2. "*labourers,*" B. M.—3. *sen.*—4. *absens.*—5. *sont.*—6. *viens.*—7. *quelles.*—8. *discretion.*—9. *moult.*—10. *valereux.*—11. *terre,* B. M.—12. *hameau.*—13. *veuer en.*—14. *veullent se faire.*—15. *par.*—16. *severein.*—17. not in B. M.

tumn, every dish containing three and a half parts of one gallon 'lagenæ,' from every tenant keeping cows, and from every cottager making butter, a dish of butter in May; four gallons of ale out of every brewing by every dealer in beer; for every cow killed within the town for sale, the hide, or in lieu thereof, fourteen pence; and for a smaller cow's hide, six pence or eight pence. In all works made within the castle, the inhabitants of Carlow to find six workmen or labourers daily, during the said work, at their own expense; also each tenant and cottager to weed the demesne corn, yearly for three days, and a woman out of every house in Carlow to bind the sheaves for one day; each tenant and cottager to cut wood for the use of the castle for three days in summer, and each of them having a draught horse to draw the wood to the castle for three days; also, to draw the corn out of the fields to the area of the said castle for three days; to give one cart-load of wood, and one truss of straw at Christmas and Easter; and each cottager one truss of rushes at the said feasts." —Roll of Patents, 2 James I. p. 2, dorso. This was pure villenage, or rather, the tenant here was what Bracton, lib. 2, cap. 8, calls villanum soccagium; "who was tied to the performance of certain services agreed upon, and was to carry the lord's dung into his fields, to plough his ground at certain days, to reap his corn, plash his hedges," &c. But it was a state of slavery, and received, according to Cowell, "its death's wound *in favorem libertatis.*" These *Villani* appear to have been different from the servants or labourers mentioned in the Statute. The latter were not unlike our modern *Spalpeens* (labourers), who move about when and whither they please, and go in annual shoals even to England, in search of employment.

The patriarchal connexion which subsisted between the ancient Irish chieftains and their septs, or "nations," differed widely from the feudal rule exercised by the English settlers over their *servi*, villani, or tenants. In the Irish territories, the former continued, with few exceptions, to the beginning of the seventeenth century. Thus, Irriall O'Gara, of Moy O'Gara (Maġ Ui Ġhaȯra), county of Sligo, chief of his name, by his deed of 1st March, 1596, in consideration of his natural and paternal affection towards Teige his beloved son and heir, granted unto him, 3 castles, se-

for labourers, are a great cause, by reason that the common labourers are for the greatest part absent, and fly out of the said land; it is agreed and assented, that, because living and victuals are dearer than they were wont to be, each labourer in his degree, according to the discretion of two of the most substantial and discreet men of the city, town, borough, village, or hamlet, in the country where he shall perform his labour, shall receive his maintenance reasonably, in gross or by the day, and if they will not do so, nor be obedient, they shall be taken before the mayor, seneschal, sovereign, provost or bailiff of the cities

veral denominations of land, 514 medders of butter, 1080 medders of meal, 504 beeves, 3 marks annual rent, and all customary dues arising in the country of Moy O'Gara.—Orig. deed. The butter, meal, and beeves, here enumerated, were part of the supplies furnished by the clan (muinčir) to the *Dun* or mansion of the chief. By inquisition taken 15th September A.D. 1607, it was found that Donell ni Cogge (cogaid) O'Flaherty, father of Morogh na Moyre (Maoir), O'Flaherty, chief of his name, received the fines and dues following, in and throughout the whole barony of Ballinahinch (Baile na h-Inri), county of Galway. "Imprimis, quandocunque aliquis furatus esset unam vaccam, fur solvebat predicto O'Flaherty (when mentioning the ancient Irish chieftains their Christian names were generally omitted) vel suis servientibus, Anglicè his serjeants, septem vaccas pro qualibet vacca sic furata, et sic de aliis catallis: Et quandocunque O'Flaherty se contulerat ad generalem *sessinam* [*the general sessions or assizes then lately established in Connaught*] quod inhabitantes solebant elargire illi quandam mensuram sacci, [Anglicè, a bott of sack], *toties quoties*· Preterea, debuit habere quotannis ex qualibet quarteria terre infra baroniam predictam quasdam mensuras farine, Hibernicè vocatas *sruuus*, cum sufficiente butiro: Et preterea, consuetus erat, quandocunque aliquis capiebat aliquod wreccum maris vel *ambergreese*, sine noticia inde data O'Flaherty vel suis servientibus, quod sic faciens, finem fecerat ipsi O'Flaherty ad septem vaccas, toties quoties: Et quandocunque O'Flaherty dederat aliquam filiarum suarum in matrimonio, consuevit habere unam sterilem vaccam duorum annorum, ex qualibet quarteria inhabitata infra baroniam predictam."—Orig. Inquis. Rolls' Off. Similar extracts, containing much curious information, might be given, were this the fitting place. It may, however, be noted that the "bott of sack," mentioned above, was then but of recent imposition. The O'Flaherties of Iar-Connaught, like the O'Neills of Ulster, became fond of "a carouse of sack." The chieftains of the race too often repeated their favourite expression, "I must go to Galway to enjoy the King of Spain's daughter," meaning the Spanish wine imported by the merchants there. But this royal enjoyment proved fatal. The O'Flaherties were no longer considered "ferocious." The pandering traders plentifully supplied them with the "King of Spain's daughter;" and in return received ample tracts of land, long after enjoyed by their posterity. Subsequent confiscations have left the descendants of the O'Flaherties comparatively "landless"

le viscount de countie & mis en prison tanque a la venue de Justices assignes que vendrent[1] deux fois par an en chescun countie[2] le justice de le[3] chief place que de ceo ferront duhe[4] punisseint & droit a les parties que ent le sentant[5] grevez[6] que nul laborer passe outre miez[7] & en case que[8] face & reveigne[9] soit pris

1. *viendront.*—2. *countree.*—3. *du.*—4. *deux*, B. M.—5. *quen se seront.*—6. *et*, B. M.—7. *oultre mier.*—8. *que le.*—9. *si revient.*

in the territory of their fathers. The learned author of the Ogygia died in want.

[m] *No labourer shall pass beyond sea.*—The native labourers had long been in the habit of "passing beyond sea," to escape from the tyranny of the lords and gentry of the pale. The latter, though themselves almost wholly the offspring of Norman and Saxon soldiers, yet treated their Irish labourers little better than slaves, and generally compelled them to serve, alternately, as husbandmen and "hoblers." For the English ordinance, 23 Edward III. concerning servants and labourers, and the well-known "statute of labourers," 25 Edw. III. see "Statutes of the Realm," vol. i. pp. 307, 311, fol. Lond. 1810. These laws were extended to Ireland in the reign of Edw. III.; but the earliest printed enactment on the subject here, is the Act, 25 Hen. VI. chap. vii. A. D. 1446.—Irish Statutes, vol. i. p. 8. "that the sons of labourers and travailers of the ground shall use the same labours and travails that their fathers and parents have done." The preamble to the Act states, that those persons, "now will be kearnes, evil-doers, wasters, idlemen," &c. This was all perfectly natural. An "English hobbe," when landed on Irish ground, considered himself equal to *any* "Irish dog" he found before him, vide *ante*, p. 19; and in process of time, he or his son aspired to the rank of "gentleman," and lorded it over his former equals. Nay, it might be shown that foreign bankrupt traders, travellers, broken soldiers et hoc genus omne, driven by adversity or adventure to Ireland, have been suddenly metamorphosed, O terra mirabilium! into "gentlemen!" and of this there have been many remarkable instances; but for their origin we search in vain in the books of the heralds.—See Henry's History of England, book v. chap. v. s. 1, for a curious account of labourers and agriculture there, in the fourteenth century.

It appears by our statute, that "justices of labourers," were a principal cause of the evils there complained of. These were patentee officers, who were entitled to a third of the issues arising from their office; a mode of remuneration which proved a strong incentive to extortion. Accordingly, in Hibernica, part ii. p. 121, *et seq.* will be found charges of this nature brought against two of those officers in A. D. 1375. Several other evils likewise pressed upon the unhappy labourers. Thus (to pass over many intermediate notices), in justice Luttrell's booke, A. D. 1537, the following occurs:"

"Item, for *the Englysh* husbondmen, laborers, servauntes at husbondrie, dayly, for the exchewing thoppression of coyne and lyverye, and some after they have loste ther goodes by thoccasion thereof, and by spoyles and robberyes, goyth dayly into Ingland, and

cities or towns where they are, or by the sheriff of the county, and put in prison, until the coming of the justices assigned, who will come twice in the year into every county [*and*] the justice of the chief place, who shall award due punishment for the same, and right to the parties who shall feel themselves aggrieved thereby. And that no labourer shall pass beyond sea[m]; and in case that he shall

never after retorneyth, and in ther stedes none can be hadde but *Iryshe;* therefor it were good that restrainte of ther departure be made, according to the Acte of Parlyament before this therupon orderid."—State Papers, part iii. vol. ii. p. 509. The Act here referred to may be the above Act or section of the Statute of Kilkenny; or an Act of the 11th year of Henry IV. (of which a coeval entry will be found in the Red Book of the Exchequer, Dublin, p. 31), which enacted "the forfeiture of any ship, boate, or barque, taking a labourer or servant beyond the sea, without license."

Among the numerous projects for "the reformation of the mere Irish," the poet Spencer, in the reign of Elizabeth, produced this notable plan; viz., he would appoint to every one not able to live on his freehold, a certain trade, and he divided trades into three kinds, manual, intellectual, and mixed. "Of the first sort be all handycrafts and husbandry labour; of the second be all sciences, and those which be called liberall arts; of the third is merchandize and chafferie, that is, buying and selling."—View, p. 245, Dub. 1809. From these forward dictatings, what conclusion could be drawn, but that the Irish really were the wild, untutored people their enemies described them; a race sunk below the ordinary state of man in society, and wholly unacquainted with any sort of human improvement. But that this was not the case may easily be proved; and first, as to Spencer's "chafferie." It is well known to those acquainted with our history, that the Irish, of what are called the middle ages, had among them marts and market towns for "buying and selling," long before the era of Spencer and his brother projectors. Thus, we find in the Annals of Boyle, at A. D. 1231, that Cormac, the son of Tomaltagh Mac Dermot, began the erection of a market town, in that year, at *Port na Cairge* near the present town of Boyle, county Roscommon (see Annales Buelliani in Rerum Hib. Scriptor. tom. ii.), and that too at a time when the sword and the brand of the Norman were spreading death and destruction throughout that devoted province.

But insulated facts of this description must here be omitted in order to make room for evidence of a general and more conclusive nature. In the Parliament held at Dublin, 7 Hen. VI. A. D. 1429, was passed the following hitherto unpublished Act. 5. "Likewise, inasmuch as divers Irish enemies of our Lord the King, levy, raise, and hold amongst them *different fairs and markets*, and sundry merchants, liege Englishmen, go and repair to the said fairs and markets, and some send their merchandize to the said enemies by their servants or people called *laxmen*, and there *sell and buy* divers merchandizes and things vendible, whereout the said enemies take great customs and benefits to their great profit, and

pris & en prison[1] par un an & puis reint a la volunte le Roy et oure[2] ceo soit brefs mandez as Viscountez maires Seneschalls suffrains et Bailles des Countees Cities et villes par tout la terre ou port de mer et commandant a eux qilz[3] ne seefrent[4] nul tiel[5] passage de Laborers Et auxint[6] accorde est que les Commissionours[7] faitz a Justices de laborers en chescun Countie[8] soient repellez et que desormes ne soient tielx[9].

XXXIV. Item accorde et establie[10] que en maintenaunce de execution des estatz devant ditz[11] que deux prodes homes aprise de[12] la ley associez & a euxdeux de mort[13] vaduez de Counte par le Counsell le Roy[14] soient assignes par commission denquerer deux foitz par an en chescun Countee ses que[15] enfreignent les

1. *et* B. M.—2. *oultre, outre* in second copy.—3. *que.*—4 *souffre.*—5. *nulls tell.*—6. *ainsi.*—7. *comissions.*—8. *countree.*—9. *commission grauntees,* B. M.—10. *est.*—11.—*avaudites.*—12. *en.*—13. *moet,* second copy.—14. *bois.*—15. *ceux qui.*

the depression of all the boroughs and trading towns of this land, and of the liege subjects of the same land: it is agreed and established, that henceforth, no manner of merchant, nor any other liege person, shall go nor resort in time of peace nor of war, to any manner of fair, market, nor other place among the said enemies, with merchandizes or things vendible, nor send the same to them, *unless it be to redeem some prisoner from them,* who may be the King's liege man; and if any liege man do the contrary of this ordinance, let him be held and adjudged as a felon of our Lord the King."—Orig. Roll.

Long before the passing of the foregoing Act, money had been coined in various parts of Ireland by the "mere Irish," for purposes of traffick.—See Rymer, old ed. vol. v. p. 113, and Simon on Irish Coins, Appendix, No. 1, for an Ordinance of Edw. III. A. D. 1339, reciting that "certain Irishmen (homines Hibernici, 'mere' Irishmen) have coined the black money, called *Turneys,* in the parts of Ireland (in partibus Hiberniæ), and that they and others buy and sell merchandize, victuals, and other commodities for the same, in deterioration of our sterling money, and to our great loss and damage." See also the printed Irish Statutes, for the Acts 25 Henry VI. A. D. 1447, ch. 6, against the money called "O'Reyley's money," and ch. 10, against "Irish money called Reyles," which had probably been minted by O'Reilly, Lord of Cavan, in consequence of the increase of traffick in his territory. To counteract those efforts of the "mere Irish" to supply themselves with a coinage of their own, King Edward the Fourth found it necessary to establish several mints in Ireland. For an interesting account of the various coins struck in these mints, see the valuable treatise "on the Irish Coins of Edw. IV." by our learned associate, Dr. Aquilla Smith, printed in the Transactions of the Royal Irish Academy, vol. xix.

In a subsequent Parliament held at Dublin, in the 20th year of Edw. IV. A. D. 1480,

shall do so and shall return, he shall be taken and put in prison for a year, and afterwards make fine at the King's will. And moreover, writs shall be issued to the sheriffs, mayors, seneschals, sovereigns, and bailiffs, of counties, cities and towns throughout the land where the sea reaches, commanding them that they do not suffer any such passage of labourers. And it is also agreed that the commissions issued to justices of labourers in every county be repealed, and that henceforth none such be granted.

XXXIV. Also, it is agreed and established, that in maintenance of the execution of the Statutes aforesaid, two prudent men, learned in the law, having with them two of the most substantial men of the county, by the King's council associated, be assigned by commission to inquire twice a year in every county[n] respecting

(Cox, vol. i. p. 173), another Act was passed to discourage industry and traffick among the "mere" Irish; both of which had so much increased at the time, as to become alarming to the government and inhabitants of the Pale. This Act, now for the first time printed, is as follows: 3. "Also, at the request of the commons, for that whereas divers *Irish merchants*, lately stocked with store of goods by the concourse of the English merchants in Irish land, have of late times found great means to destroy and injure the markets of Athboy, Kells, Ffoure, Molyngar, Oldcastle, and other ancient English market towns, by these means, to wit, they *have commenced markets in the country of O'Reilly, and the country of O'Ferrall*, at *Cavan, Granard, Longford, and other places*, which if they be long continued will cause great riches to the King's enemies, and great poverty to the King's subjects: whereupon it is ordained, by authority of the said Parliament, that no English merchant shall bring any goods or merchandizes to any of the said markets of Cavan, Granard, Longford, or to any Irish country out of the English country, or shall carry any goods from the said markets, or make any concourse or resort to them, on pain of forfeiture of the said goods and merchandizes, and their bodies at the King's pleasure. And that it shall be well lawful for any of the King's subjects to arrest and attach such persons who will attempt against this Act or ordinance, and to commit them to the King's gaol; and to forfeit all such goods as may be found with them, a moiety to the King, and a moiety to the taker, excepting wine, beer, and bread."—Orig. Roll. To go further on this subject seems unnecessary. Enough has been adduced from these hitherto neglected documents, to show that the "mere Irish" had, of themselves, commenced a course of trade and industry, by which, if not impeded, they would have attained to national prosperity and independence. At present we have only to deplore the short-sighted policy which prevented them from so doing.—With respect to Spencer's other civilizing projects, their consideration must be deferred to another opportunity.

[n] *Every county.*—The thirteen *counties* and seneschalship of Trim, named in the Statute,

les articles avaunt ditz & oier et terminer les que ent serrant[1] enditz devaunt eux ou a suyte de partie & des diverses autres[2] articles queux[3] serront contenuz en la dit commission solont ent[4] le peynes les ditz estatz contenuz[5] saunz favour faire a ascun[6] person & de certifier en la Chauncelery de temps en tempus ceo que par eux ent serra fait.

XXXV. Item nostre Seignior le Duc de Clarance Lieutenaunt nostre dit Seignior le Roy en Irland et le Counseil nostre dit Seignior le Roy illeoques Countees Barrons & Communes de la terre suisdite a ceste present parliament assemblez ount requise les Ercevesques et Evesques Abbas priours et autres gentes de Religion qilz facent[7] excoingement et exconger les persons countrevenantz es estatutz & ordinaunces avaunt dit et[8] autres censeures[9] de St. Eglis ou[10] eux fulminer si aseuns par rebellitee[11] de euer veigne encontre les estatutz et ordinaunces suisditz Et nous Thomas Ercevesque de Duvelin Thomas Ercevesque de Cashell John Ercevesque de Thueme[12] Thomas Evesque de Lismore et Waterford Thomas Evesque de Killalo William Evesque de Ossoric John Evesque de Leighlin[13] et John Evesque de Clon esteantz presentz en le[14] dit parliament a la request nostre dit tresdouce[15] Seignior le Duc de Clarance Lieutenaunt

1. *ce quen sera.*—2. not in B. M.—3. *que.*—4. *selon.*—5. *les poinctes contenu au dit statut.*—6. *au.*—7. *faisent.*—8. *des,* B. M.—9. *susditz.*—10. *en.*—11. *rebellion.*—12. *Tuom.*—13. *Liflin.*—14. *en presence au.*—15. *tres doubte.*

are probably those here intended. Though much has been written by Mayart, Harris, and others, on those divisions of counties, yet much remains for explanation. Some districts appear to have been so named in the thirteenth century, which afterwards fell into disuse. Of these were the counties of *Desmond, Newtown, Carrickfergus,* and *Coulrath,* for which see Harris's Hibernica, part ii. p. 61, *et seq.*: also the Act for the division of counties, &c., A. D. 1294, in the Black Book of Christ Church, Dublin, fo. 6. Beyond the counties named in the statute, except in the great towns, the government had not, at the time, any authority; and within many of these counties, its jurisdiction was little more than nominal. Even this gradually declined, insomuch, that at the close of the fifteenth century, it extended only to four counties. The late Lord Mountmorris, in his history of the Irish Parliament, asserts, vol. i. p. 43, that, "till the reign of Edward the Sixth, the English Government prevailed only in a colony which occupied a space of about twenty miles square. "For this curious fact," he adds, "we have the authority of an Act of Parliament of the 13th of Henry VIII. c. 3." But in this, as in several other parts of his work, the noble author was mistaken; for the Act referred to, alludes only to the four counties, and not otherwise to the extent of the Pale. That extent

respecting those who shall break the articles aforesaid, and to hear and determine such cases thereunder as shall come before them by indictment, or at the suit of the party, and of the different other articles which shall be contained in the said commission, according to the penalties thereof in the said statutes contained, without doing favour to any one, and to certify unto the Chancery from time to time that which by them shall have been done therein.

XXXV. Also, our lord the duke of Clarence, lieutenant of our lord the King, in Ireland, and the council of our said lord the King there, the earls, barons and commons of the land aforesaid, at this present Parliament assembled, have requested the archbishops and bishops, abbots, priors and other persons of religion, that they do cause to be excommunicated, and do excommunicate the persons contravening the statutes and ordinances aforesaid, and the other censures of holy church to fulminate against them, if any, by rebellion of heart, act against the statutes and ordinances aforementioned. And we, Thomas archbishop of Duvelin [*Dublin*], Thomas archbishop of Cashel, John archbishop of Thueme [*Tuam*], Thomas bishop of Lismore and Waterford, Thomas bishop of Killalo, William bishop of Ossorie, John bishop of Leighlin, and John bishop of Clon, being present in the same parliament, at the request of our said most worthy lord the Duke of Clarence, lieutenant of our lord the King, in Ireland, and

has been better defined in the tract on the "State of Ireland," A. D. 1515, printed in the State Papers, as follows: "Also ther is no folke dayly subgett to the Kinge's laws, but half the countye of Uryell (Louth), half the countye of Meath, half the countye of Dublyn, half the countye of Kyldare."—Part iii. vol. ii. p. 9. In a paper preserved in the British Museum, Titus, B. 12, this extraordinary decrease is attributed to the "wonderful incrochement of the Irish lords into the Pale. * * * The Irishry suppressed the Englishrie, forciblie took from the Earls of Ormond and Kildare divers of *their* possessions, and became masters of the whole country, except some parts of Leinster. Insomuch that King Henry VIII., then Duke of York, being sent by his father with an army royal into that country, a° 1501, to be lieutenant there, he found Wi. de Burg, O'Brien, Mac Nemar, O'Carroll, and certain others ready to make head against him." The reader may perceive that the greater part of the foregoing extract is here irrelevant; but it has been introduced merely on account of the assertion of Henry's mission to Ireland. This alleged fact, which from the age of the Prince at the time, appears more than doubtful, would yet admit of a curious historical disquisition, which might, perhaps, end in connecting that memorable individual more intimately with Ireland than we are yet aware of. In any event, it could not fail to throw considerable light on a dark but interesting period of Irish history.

tenaunt[1] nostre Seignior le Roy en Ireland et les piers[2] et comunes avaunt ditz en le countrevenauncz[3] les estatutes & ordenaunces suis ditz la temps[4] transpasse[5] precedauntz sentens de excomgement fulminous et excommengemus par cest[6] present escript reservauntz et chescun de nous reservant la absolucion de nous mesmes et de nous subgitz sil[7] ne soit en perill de morte.

1. *du* B. M.—2. *Seigniors*, second copy.—3. *countrenient*.—4. *leur corpus*.—5. *trepasse*.—6. *excomgement a*.—7. *subjectes sils*.

° *Excommunication*. — It does not appear that any other form of excommunication than that here embodied in the Statute, was resorted to. But in that ancient record, the "Red Book of the Exchequer," now preserved in the office of the Chief Remembrancer in Dublin, the following "sentence," pronounced at the close of the parliament held at Kilkenny, 3 Edw. II. is recorded, p. 27.

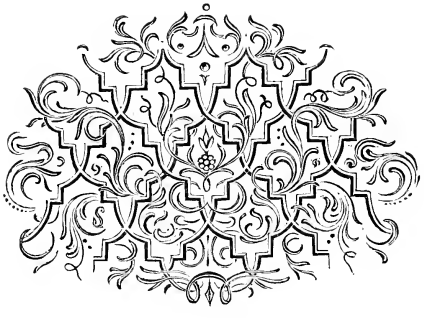
SENTENCIA.

"Auctoritate predictorum ordinationum, provisionum et concessionum, venerabilis pater Mauricius archiepiscopus Casseliensis, Willielmus Ossoriensis episcopus, Willielmus Imelacensis episcopus, Willielmus Lismorencis episcopus, Mauricius Leighliniensis electus confirmatus, et ceteri prelati, 12° die Februarii, in majori ecclesia Sancti Kenni de Kilkenny, in presentia dominorum, Ricardi comitis Ultonie, Johannis Wogan justiciarii Hiberniæ, Ricardi de Clare, Johannis filii Thomæ, Johannis de Barry; Mauricii de Rupe-forti, et aliorum * * * * * * magnatum terre Hiberniæ, et de eorumdem assensu, pronunciarunt quandam sententiam in hæc verba. Nos, M. miseratione divina archiepiscopus Cassel. W. Ossor. W. Imel. W. Lismor. episcopi, et M. Leighlin, electus confirmatus, auctoritate Dei patris omnipotentis, et filii, et spiritus sancti, et gloriose semper virginis genetricis Dei Marie, et beati archangeli Michaelis et omnium angelorum beatorum, Petri et Pauli et omnium apostolorum, martirum, confessorum et virginum, excommunicamus, anathematizamus, dampnamus, et a luminibus sancte matris ecclesie sequestramus omnes et singulos qui a modo pacem Domini Regis in terra Hiberniæ, scienter, maliciose violaverint, perturbaverint, seu violari et perturbari mandaverint, concesserint vel assenserint, per se vel alios, concilio vel auxilio, arte vel ingenio, cum omnibus fautoribus suis, clam vel palam, cujuscunque condicionis fuerint; simili modo, omnes illos et singulos, cujuscunque condicionis fuerint, qui ordinaciones predictas, in hoc parliamento ordinatas, perturbaverint, violaverint seu irritaverint, mandaverint seu temptaverint, seu favorem, auxilium aut receptamentum perturbatoribus et violatoribus scienter dederint quoquomodo."

Such was the excommunication, more in the language of the law, than in that of the church, pronounced against those who should violate the old Ordinances of Kilkenny; and it is probable that some such form was observed respecting our Statute. As the latter con-

and the lords and commons aforesaid, against those contravening the Statutes and ordenances aforesaid, passing over the time preceding, do fulminate sentence of excommunication[o], and do excommunicate them by this present writing, we and each of us reserving absolution for ourselves and for our subjects if we should be in peril of death.

cludes with a reservation of absolution for the bishops and their subjects, it may not be irrelevant here to subjoin a short description of that solemn rite, from Dr. Lingard's Antiquities of the Anglo-Saxon Church, vol. i. p. 357. Very different indeed is its language from the semi-legal dialect of the excommunication. "The penitents were introduced into the church, and cast themselves on the pavement. The bishop ascended the pulpit. He began by the following prayer: 'Attend, O Lord, to our supplications, and hear me, who first stand in need of thy mercy. It was not through my merit, but through thy grace, that thou didst appoint me to be thy minister. Grant me the confidence to perform the duty which thou hast intrusted to me, and do thou thyself, by my service, perform the part which belongs to thy mercy.' He then continued. 'In the place of the blessed Peter, the prince of the apostles, to whom the Lord gave the power of binding and loosing, we absolve you, as far as you are obliged to confess, and we have power to remit. May the Almighty God be to you salvation and life, and forgive you all your sins. King of kings, and Lord of lords, who sittest at the right hand of the Father, to intercede for us, look down on these thy servants, and hear them begging for the remission of their sins. Have mercy, O Lord, on their sighs, have mercy on their tears. Thou, O Saviour, knowest the nature of man, and the frailty of flesh. Spare, therefore, O Redeemer of the world, spare thy servants returning to thee, whose mercy has no bounds: heal their wounds, forgive their offences, release the bonds of their sins.' They now rose from the pavement, and the fiftieth psalm was sung. The bishop proceeded thus: 'O God, the restorer and lover of innocence, extend, we beseech thee, the hand of thy mercy to these thy servants, whom we raise from the dust, and preserve them immaculate from the stain of sin. For it is the glory of our Church, that, as thou hast given to the blessed apostle, the prince of our mission, the power of binding and of loosing, so by means of his disciples, the teachers of thy truth, thou hast appointed us to bind thy enemies, and loose those who are converted to thee. Therefore, we beseech thee, O Lord our God, be present to the ministry of our mouth, and loose the bonds of the sins of thy servants, that freed from the yoke of iniquity, they may walk in the path which leads to eternal happiness. I, a bishop, though sinful and unworthy, confirming this absolution with my hand, my mouth, and my heart, humbly implore the clemency of God, that by his power, and at our prayer, he absolve you from all the bonds of your sins, and from whatever you have negligently committed in thought, word, and deed: and after absolving you by his mercy, bring you to eternal happiness. Amen."



APPENDIX.

APPENDIX.

No. I.

THE following "Abridgment" of the Statutes enacted in a Parliament held at Dublin, 11th Henry IV. A. D. 1410, is taken from a MS. Book, lately discovered by Dr. Todd, among some loose papers in the Manuscript Library of Trinity College, Dublin. This curious volume, which is now marked E. i. 43, and is headed, "Abridgment of the Statutes, 11 Hen. IV. to 11 Edw. IV.," appears to have been formerly in the possession of Archbishop Ussher, and to have been noted and used by him. See one of the Acts referred to in Primord. p. 826. The Statutes, of which it purports to be an abridgment, are, I believe all, remaining on record in the Rolls' Office, Dublin, with the exception of those of Henry IV.; and of them, the present volume is the only evidence now known to be extant in Ireland. But a copy is preserved in the Cotton MS. Tit. B. IX.

> "An Abridgment of such Estatutes as weare establised in a Parliament houlden at Dublin, before Sir Thomas Butler, Prior of Saint John's Jerusalem in Ireland, Deputye to the Lord Thomas of Lancaster, sonne to the Kinge's Matie ano regni Regis Henrici quarti, XI°.

Ca. 1.—That holy Church inioye their libertyes, &c. used since the conquest[a] of this lande.
Church.

Ca. 2.—That the commens of this lande have their libertyes, &c., used since the conquest of this lande.
Ireland.

Ca. 3.—That the cittye of Dublin, and all other cittyes and baronies of this land, enioy their franches, &c.
Dublin.

Ca.

[a] Here, as in *all* English and Anglo-Irish records, and in *most* English and Anglo-Irish writers, *submission* is called *conquest*.—See Stat. Kilken. s. 1, note, *ante*, p. 2.

Ca. 4.—That the great Charter[b], and the Statutes made in tyme of the Ducke of Clarence[c], and in the tyme of Thomas of Lancaster. Lieutenant of Ireland[d], and all other good Statutes and resonable ordinances made in the tyme of anie Justice or Leuetenante of this land, be firmely houlden and kepte. And if anie Statute or ordinance be made, the which be not putt in execution or proclaimed heartofore, that the same be now proclaimed and putt in execution.

Kilken. conservacon of the Statutes.

Ca. 5.—That Parliment shall not be adiorned or dissolved without resonable cause shewed in the Parliment, and by the advyse of the lordes and commens.

Parliments.

The Governour is pleased that the forme of adiornment of Parliments shall be kept after the maner of England.

Ca. 6.—The Bill requereth that no leiuetenante, justice, or governor of this lande, nor other greate or small of what estate or condition he be, shall put anie maner coigne nor liverey[e] upone anie of the Kinge's liedge people, and if they doe, that they, theire favorees and councelers be judged traytors and open robbers of the Kinge and his liedge people: and that the Justice of the Kinge's Bench, Justice of the Peace, and whom the King will * * * * may * * * * * inquest of the offendors: and that upone the indytment, after the first capias * * * * exigente shall be adwarded and proces continued till they be outlayd, and theire landes, tenements, goods, and chattels forfited: and that every of the Kinge's people may levie hue and cry upon them, and take them to the Kinge's gayle: and if they withstand arrest, that they be used as enemyes to the Kinge, and robbers of the people: and that such as doe greive the offenders in bodye or goods, shall not be therefor, by any lawe, troubled or hindered: and also that non, henceforth, of what estate or condition he be, shall make herbinage[f] or livere upon anie of the Kinge's leedge people, without redye pay or agrement in hand, upone paine afore limited: and that no pardonn be granted to anye offendor

Coigne and liverey.

[b] An ancient entry of the great charter of King John will be found in the "Black Book of Christ Church, Dublin, fo. 162; and the confirmation of the same by Henry III. at fo. 165. The "Red Book" of the Exchequer, Dublin, pp. 69–73, contains the *great charter* for Ireland, here alluded to, 1st Henry III.

[c] A. D. 1367, at Kilkenny, and now first printed.

[d] A. D. 1402, 3 Hen. IV., enacted at Dublin. The Acts of this Parliament are not on record.

[e] The above is the only Act of this Parliament of 11 Hen. IV. mentioned by Cox, see vol. i. p. 147; Ware, De Hibernia, cap. xiii. and Harris, chap. xii. describe the nature of this ancient exaction of coin and livery. The present Act is particularly noted by Ussher, in the MS. E. 3. 10, Trinity College.

[f] *Herbinage.*—See Finglas's Breviate in Hibernica, I. 93; and Cowel in voc. *Herbigare* et *Herbenger*, "from the Fr. *Herberger*, i. e. Hospitio accipere:" also Du Cange, Glossar. voc. *Hereberga*, &c., and Somner's Antiquit. p. 248.

offendor against this estatute, without the assent of Parliment or of the Kinge's grande councell: and that in the same charter expresse mention is made of cognies, liveries, and herbinage aforsaid, or els the pardones as to those offences to be voyded in law: and that everey bishope in his dyoses may accuse and interdict (if need be) the offendors in anie the sayd articles.

The Governor is pleased y^t ye Statute of Kilkenye be keept and houlden in all poyntes, as to the articles of coigne; and to the herbinage and livere, the Statute made in tyme of Thomas of Lancaster, Lieutenant of Ireland, at Dublin the thirde yeare of this Kinge, shall be houlden and keepte.

Ca. 7.—The bill requereth, that no Sherife[g] be made but by election of the commens of the shire whereof they shalbe sherefes, and that of the most able and wyseste men, to say two or three of every baronie of the same counties; and who is made sherefe in anie other maner, his appoyntment to be voyde. And that at the suggestion of two or three of the most able men of the same countye, whereof the said shereffes shalbe made without election, there shalbe a write granted by the Chanceler or Keeper of the Kinge's greate sealle, de non intromittendo, to discharge the sherefe soe made without election: and that no sherefe shalbe in office above one yeare, nor within two yeares next after: and that the sherefes of Kildare and Catherlaghe be excepted from these articles. That in inquestes which shalbe befor the baronnes of the Excheker to elect ye shereffes, be not charged henceforth to electe but one only, for whom the will answere.

For election of shereffes.

The Governor is pleased that no Sherrife shalbe elected but one only in anye shire, and that by election; and that he shall not be above one yeare in his office, yf he shall not be chosen of newe.

Ca. 8.—The bill requereth, that an estatute made at Dublin, in tyme of the Lord Thomas of Lancaster, in the thirde year of the Kinge, the which estatute doth reherse another estatute made in England in tyme of Kinge Richard II.[h] touchinge the office of Clarke of the Market, may be confirmed thone and thother: and that the Clerke of the Market shall, from henceforth, use his office in person, and not by deputy; and that he shall not somen before him a hole inquest out of the small burrowes that have noe market, nor great numbers of people: and that the Clarke of the

Clerke of the Market.

[g] See Stat. Kilken. s. 32.

[h] 13 Ric. II. c. 4.—Statutes of the Realm, vol. ii. p. 62. Lond. 1816.

the Market shall not amercye anie cominalti, countie, baroni, cittie, borough or towne, in commen, but shall amerce only offenders, accordinge to his faulte particularly: and that the amerciment shalbe further offered by oathe of vi. honest men of the baronie wher the offendor dwelleth; and they shalbe extretid into the Excheker, and theire by paynes limited to the clerk that shall offend this.

The Governor agreeth to these requestes.

Ca. 9.—The bill requereth, that no officer nor clerke of the Chancery, Excheker, or other, shalbe Eschator or Clarke of the Market, nor deputy to them; nor take other profitt of the offices aforsaid, upone pain of XX li. to be payde to the Kinge, and to be fringed [*broken?—dismissed*] from all offices for ever: and that no officer nor clarke of the Chancery or Excheker shall take to farme anye landes or tenements seased in the Kinge's hand, &c.

Eschator.

The Governor wilbe advised.

Ca. 10.—The bill requereth, that against a proteccon, *quia profecturus*, putt forthe in enye accon, the playntif may aver that the defendant, after the date of this proteccon, had tyme to take his jorney, viz., three weekes and more; and if that be found, then the defendant to be putt to answere.

Protection.

The Governor is pleased y^t^ he that hath such proteccon, shalbe sowen [*sworn*] that the cause of [*in*] his warrante comprysed is true, before that his proteccon shalbe sealed: and further yf he doe make aboode within this lande vi. weekes after the date of his protection, the protection shalbe voyde.

Ca. 11.—The bill requereth, the revocation of letters patentes, granted to the inhabitance of Colie, in the baronie of Dundalke, for freedom from cesses and subsidye[1]; and that they shall beare with the commens of the shire of Louthe in all thinges, as they have downe.

Colie in the Barony of Dundalke.

The Governor is pleased.

Ca.

[1] *Cesses and Subsidye.*—Exemptions of this nature were frequently granted both by letters patent, and Acts of Parliament. Thus, in the Parliament held at Trim, 25 Hen. VI., A. D. 1447, before John Talbot, Earl of Shrewsbury, Lord Lieutenant, the following Act was passed: 23. "Likewise, inasmuch as Richard, Archbishop of Dublin, is seised of the lordship and town of *Dunluvan, the key and chief defence of the counties of Dublin and Kildare*, which are now destroyed and wasted by the Irish enemies, and English *false* rebels; the which town, by the grace of God, will be built and settled in a short time: it is ordained and agreed, by authority of this present Parliament, the premisses considered, that the said town be discharged of all manner of *talliages, subsidies, liveries*, and *coignes*, for the term of five years next to come."—Orig. Roll.

Ca. 12. The bill requereth that, non shalbe compelled to appeare in proper personne before anie justice or garden of peace, at musters[j], or at market dayes, but within the shires wher they dwell, or have land or tenement in other countryes, where they dwell not; and if they be amerceyed for theire non-apparance, that the same shalbe voyde, and they discharged thereof.

For apperance at musters.

The Governor is pleased.

Ca. 13.—The bill requereth, that it may be inacted, that everey liedgeman to the Kinge, which will goe into England, or elsewhere out of this lande, for larninge the lawes of the Church[k] of this land, for pilgrimadg or other wayes to prosecute or attend sutes before the Kinge's Matie or to the Courte of Rome, or to see ther landes and possessions in England or Wales, or for other reasonable causes whatsoever, may come into the Chancery in Ireland, and theire make othe by himselfe and other honest men, that he doth meane to departe this lande for anie the causes aforesaid: and thereupon the Chanceler shall certifye this othe, by writt, to the Baronns of the Excheker: and that it shalbe needfull to noe person havinge this writt, to sue for further lycence of absence to the governor of this lande.

Licence of absence.

And

[j] See Stat. Kilken. sec. 23.

[k] From this and the last Act of the present Parliament, ch. 24, it may be concluded, that the University projected by John Lech, Archbishop of Dublin, in A. D. 1311, and established in Dublin by Archbishop Bicknor, in A. D. 1320, had been extinguished at the time of passing these Acts, in A. D. 1410. This may account for the concourse of Irish scholars to Oxford in A. D. 1422, as appears by the English Act of that year, before quoted, p. 24, note [u]. The subsequent attempt to found a University in Drogheda, A. D. 1465, also failed (see the Act for that purpose, in Harris's Ware, vol. ii. p. 245), and Irish students were again obliged to resort to Oxford. In the Parliament held at Dublin, A. D. 1475, 15, 16 Edw. IV. was passed the following Act. 60. "Likewise at the prayer of Richard, Abbot of the House of St. Thomas the Martyr, near Dublin, and James Aylmer: Whereas John Walter, parson of Mullahudart, hath given and granted to the said Abbot and James, all manner of tithes and alterages belonging to the said parsonage, by his deed, bearing date the first day of November, in the thirteenth year of our Sovereign Lord that now is, to have, and to hold to the said abbot and James, for a term of twenty years then next ensuing, in perfect confidence that the said abbot and James should give, yearly, to one James Maddock, six marks, until the said James should be promoted to a competent benefice, who is at *Oxford studying at the University*, and by the grace of God purposes to be a Doctor of Divinity; whereupon, the premises considered, *forasmuch as there are but few in this land who are able to teach or preach the word of God*, it is ordained, granted and adjudged, by authority of the said Parliament, that the said James Maddock shall have the said six marks yearly, of the said tithes and alterages, until he be promoted to a competent benefice; and that the incumbent, for the time being, shall have the residue of the said tithes and alterages, any resignation or change of the said parson notwithstanding."—Orig. Roll.

And that they shall not be impeached for their absence by anye the Kinge's ministers, unlesse it shalbe proved that they be absent for other cause then is befor specyfyed.

The Governor will take advise.

Ca. 14.—The bill requereth, wher false offices[1] have bine taken by eschetors, and the deputyes, and by commissioners of men of no sufficiency, whereby lands have bine found to be houlden of the Kinge, whereunto advousons of benefyces be appendant or appurtenante; and hereupon the lands seased, and the advowsons presented unto for that: and for remedye requereth that upon such offices, henceforth, noe such freehould shalbe seised; but that the offices shalbe retorned or sent into the Chauncery, to be seene theire by the Kinge's Councell, whether the office be suffitient: and yf they be found, then a *scirefac.* to be adwarded against the possessioners of the same landes, to shewe wherfor the Kinge ought not to be present, and soe the tytle to be tryed.

Offices.

The Governor is pleased, savinge that no *scirefac.* shalbe awarded as the bill requereth.

Ca. 15.—The Bill requereth, that the marshalls, shereefs, bayliffs, seriantes, and other officers, nor theire deputyes, shall not from henceforth, take or arest anie man by color of there offices, without shewinge sufficient warrante or warrantes; nor shall take nothinge of them but ther fees due and taxed by the lawe: and if any officer doe the contrarie hearunto, that the partie greeved may have remedye by tras (trespass ?) or false imprisonment.

Non to be arrested without warrant.

False imprisoned.

The Governor is pleased.

Ca. 16.—The bill requereth, that non shalbe eschetor in Ireland, if he have not xx*li.* in lande, or rente in fee within this lande, of his owne, without fraud or collution. And that he shall execute his office in proper parson, and not by deputy, and if anye be otherwayes made, or doe otherwayes execute his office, all that

Eschetor.

[1] Offices, or inquisitions (particularly those termed "post mortem"), are at the present day valuable for antiquarian and genealogical purposes; but, in former times, they were often used as instruments of fraud and oppression. Of this the cases of the O'Rourkes of Leitrim, in Desiderata Curiosa Hib. vol. ii. p. 54, and of the O'Byrnes of Wicklow, in Carte's Ormond, vol. i. p. 30, are memorable instances. The process of holding "offices" ceased at the time of the Restoration of Charles II. when the feudal tenures and the court of "Wards and Liveries" were abolished. See the Calendar of the Inquisitions of *Leinster* and *Ulster*, compiled by the writer hereof, and published by the late Commissioners of Irish Records, in two vols. folio, Dublin, 1826–9. The publication of the remainder of those documents, including the important collection preserved in the Exchequer, would add considerably to the materials for Irish history.

that he doth to be voyde: and that anie grante made contrarie to this Statute with these causes (non obstante Statuto) shalbe voyde.

This bill was not answered by the Governor.

Ca. 17.—This bill requereth, that an estatute made at Dubline, in a Parliment houlden befor the Lord Thomas of Lanchaster, in the thirde yeare of this Kinge, touchinge the eschetor, and usinge of his office, and another estatute rehearsed theire, made in England in the tyme of Kinge Edward the III. shalbe confermed in all pyntes within this land; savinge that the eschetor henceforth shall not use his office by deputy. And that after inquestes taken before them, they shall before there departure from the towne wher the inquest is taken, seale the indenturs of the offices to the jurors without takinge anye thinge of them therefor: and that everey of the iiii. men of the baronies that shalbe putt in these inquestes, shalbe inheritable of c^{s} in lande or rente by the yeare at the leaste, if anye such inheritor be within the baronie, ells ther shalbe putt in those inquerors iiii. the best inheritors within the baroni: and that the eschetor shall deliver to the sherriffes, maiors, &c., viii. daye before the day of ther retorne. And requereth a paine against the eschetor offendinge this Statute, &c.

Eschetor.

The Governor is pleased that the Statute, made before the Lord Thomas of Lancaster, shalbe houlden; and the eschetor shall seale the indenturs in manor before required; and shall deliver his warrantes viii. dayes befor the returne as is requered; and yf the eschetor sease anie freehould, libertye, or franches, contrarie to this ordinance, he shall pay x*li.* to the Kinge, and x*li.* to the partye greeved. Savinge that he may doe by his office without inquirie, the partye shall have an accon to recover his x*li.* &c.

Ca. 18.—The bill requereth, that no seser shalbe made of anye possessions, landes, tenementes, francheses, or liberties, contrarie to the forme of the great charter.

Seaser.

The governor is pleased that the great chartur, and all the Statutes made in tyme of King Edwarde, touchinge these articles, be houlden and keept in all pyntes, &c.

Ca. 19.—The bill requereth, that letters patents obtayned by abbotes and priors for discharge of ther benifices appropriate, from contribucon to the salarie of the proctors in the Parliment, may be repeled, and that the same abbots and priors shalbe henceforth contributory, &c.

Repele.

The Governor will be advised.

Ca. 20.—The bill requereth, that the cessions of the Kinge's Bench shall not be removed out of the countrye wher the same be first appoynted within that terme, without reasonable cause; and that, by advice of the Justices of both benches, the King's seriant, of others of his counsell.

Removinge the King's Beuch.

The Governor is pleased that the Cessions be not removed but by advise of the Kinge's councell within that terme.

Ca. 21.—The bill requereth, that yf sherref, seneschall, justice, or garden of the peace, doe receve or succor anye that hath burned, robbed, or destrowed[m] the King's ledge people, that the same sherefe, seneschal, justice, or garden of the peace, shalbe adjudged as the principall felons of the same burninges,

For officers yt succour robbers, rebels, &c.

[m] See Stat. Kilken. sec. 19, 21. A gloomy picture of the state of society within the Pale is here presented, but such corruptions could not be removed by these Acts of Parliament. The power of the colonists rapidly declined, and the Irish chiefs continued gradually to gain on the limits of the Pale; insomuch, that within little more than half a century after this period, the following curious Act was passed in the Parliament, held at Dublin, A. D. 1475. 84. "Likewise, at the request of the commons of the county of Dublin. Whereas a *dyke* was made, by authority and command of our sovereign lord the King, in defence of the said county, from the chapel of St. Bride, near Tullagh (*Tallaght*) to Tassagard, at the great charge and intolerable labours and costs of the four baronies of Castleknock, Ballrotherie, Coweloke, and the Newcastle near Lyons; which dyke, by the Irish enemies and English rebels of the King, and also by divers other persons dwelling in the frontier of the march, was broken down in divers places, by which the aforesaid Irish enemies and English rebels have committed many and great robberies in the King's lands and divers other places, and now lately, by the great labours and costs of the said four baronies, the said dyke is now repaired, to the great succour, comfort and defence of the said county: it is enacted, ordained, and established, by authority of the said parliament, that no back way nor road henceforth be made upon, in, by, or over the said dyke, from the said Chapel of St. Bride to Tassagard, without special survey and consent of the justices of the peace; and whatsoever person or persons break down any track, or make any road by, or over the said dyke, otherwise than it is above rehearsed, shall be amerced by the justices aforesaid, as often as they break down the said dyke, in twenty shillings; and that all manner of hogs, goats, cows, or any other cattle, who, by rooting, grazing, or by any other means, breake down the said dyke, shall be forfeited and taken at the King's price, at the inspection of the justices of the peace, or by their authority, to be employed to the repair of the said dyke: and an inquisition to be had upon all the premisses, once every quarter of a year, before the said justices of the peace; and that it shall be lawful, by the same authority, for every justice of the peace of the county of Dublin, to attach all such person or persons who break down the said dyke, and to carry their bodies to the King's castle of Dublin, there to remain until they, or every of them pay the fines of the sum aforesaid, to the said justices of the peace."—Original Roll.

inges, robberyes, or destructions, and that the partye greeved shall have his accon against them, &c.

The Governor is pleased that the comen law, and the Statutes made in this behalfe, be keept.

Ca. 22.—The bill requereth, that no graine shalbe taken out of this land[n], whyle the same is in the markets of this lande, at xii[d]. the bushell, or above, with lycence, or in other maner, upon paine of forfeiture thereof, and to make fyne and ransom to the Kinge.

Lading of graine.

The Governor answereth, that in tyme of souch darth of corne within this realme, he will take order by thadvise of the King's councell, for the profit and ease of the comens.

Ca.

[n] Ireland, notwithstanding its continual wars and misrule, was formerly the granary of England, Wales, Scotland, and even more distant countries. Of this fact its records contain abundant evidence. In the Parliament held at Dublin, before Thomas Fitz-Maurice, Earl of Kildare, deputy to George Duke of Clarence, 11, 12 Edw. IV. A. D. 1472, was passed the following Act. "A scarcity being occasioned by a great export of corn, of every sort, into England, Scotland, and Wales; it is enacted, that no corn shall be carried out of this kingdom, under the pain of forfeiting the corn, and ship or boat; and the buyer of said corn, with intent of exporting, to pay 40*s.* This Act to endure for one year, with a saving for friar James Keating."—Id. Horses were also exported in considerable numbers. Thus, in the same Parliament, an Act was passed, "that no master of a ship or boat shall take more than five shillings for the freight of a *horse* to England or Wales, nor for a *romlete* only twelve pence, nor for a *hawk* only twelve pence; under the penalty of five pounds."—Id.

Concerning these last-mentioned articles of traffick, I find the following Act, passed in the Parliament held at Dublin, 20 Edw. IV. A. D. 1480 "Also, at the request of the commons. Whereas *hawks* of divers natures, as *sparrow-hawks*, *tercels*, and of other kinds, were formerly of great plenty within the land of Ireland, to the pleasure of our sovereign lord the King, and other lords and gentry of his kingdom of England, and of the said land of Ireland; they have taken so many hawks out of the said land, chiefly for the merchandize to be sold, rather than any other cause, insomuch that no hawks can be had for the pleasure of our said sovereign lord the King, and his lords. Whereupon, the premisses being tenderly considered, it is ordained, adjudged, and enacted, by authority of the said Parliament, that whatever merchant shall take or carry hawks out of the said land of Ireland, shall pay for each sparrow-hawk, 13*s.* 4*d.*, a tercel, 6*s.* 8*d.*, a falcon, 10*s.* of custom, and the poundage accordingly; and whatsoever merchant shall act contrary to this Act, that as often as he shall so do, he shall incur the penalty of 40*s.* a moiety to the King, and a moiety to his taker or preventer.—Id. Much curious information respecting the former commerce of Ireland, may be obtained from these rolls, and from various other classes of Anglo-Irish records still extant.

Ca. 23.—The bill requereth, that the justices of peace, in every county, shalbe henceforth of the most able persons dwellinge in the same countyes, and not otherwayes; and that, by the election of the honest men dwellinge in the shire: and if anye commission be made otherwayes, that it be voyde, and repelled by write of the Chancery, at the sute of anye of the countye that will suie for the same.

Justice of peace.

The Governor is pleased that the justices of peace be made of the most sufficient that dwell within the shire, or that have suffitiencye of lande within the shire. And as to the elecc-con, his pleasure is, that the order heartofore used shalbe continued.

Ca. 24.—The bill requereth. that no Irisheman, adheringe to the enemyes, shalbe suffred henceforth to pase over the sea, by color of goinge to the scooles of Oxford[o], Cambridge, or els where. And yf anye be founde goinge out of the lande, that every [*one*] shall lawfully arrest him, and bringe him to the Kinge's gaile, together with the goods upon him and found with him. And he that taketh him shall have half of the goods, &c. And that no Irisheman shall, henceforth, have charter of denizin unlesse he fynd suffitient swertye in the chancerye before hand, that he shall never after adheare to any Irish enemye in anie maner.

For staye of those that adher to enemyes.

Denizin.

The Governor is pleased, as to the first article that noe Irishe enemye shall passe the sea, upon the paine in the bill, without speciall lycence under the Kinge's greate seale. And as to the second article, the Governor wilbe advised.

No. II.

THE following list of the Lords spiritual and temporal, knights, citizens, and burgesses of the first Irish Parliament of Queen Elizabeth, held at Dublin, A. D. 1560, is taken from a record preserved in the Rolls' Office there, furnished by the intelligent officer of inrolments in that department, George Hatchell, Esq. It is inserted here for preservation,

[o] See English Statute, 1 Hen. VI. c. 3, Stat. Kilken. sec. 7, note, p. 24, *ante*. Also Leland's history, for reference to this Act, Book iii. ch. 1.

preservation, as it has not been hitherto printed, and as the original document is in a state of decay, being in some parts quite illegible.

Nomina Dominorum spiritualium et temporalium ac Communium in quodam parliamento domine Regine, apud Dublin, die veneris proxime ante festum Sancti Hillarii, viz. XI°. die Januarii, anno regni Regine Elizabethe secundo, coram charissimo consanguineo et consiliario ipsius domine Regine, Thoma Comite Sussex, ordinis sui garterii milite, capitaneo omnium generosorum pencionariorum suorum ad arma, capitali Justiciario omnium forestarum, parcorum, et chaccarum suarum citra Trentam, ac Deputato suo regni sui Hibernie, summonito et tento, videlicet.

Domini Spirituales.

Hugo Dublin. archicopiscopus, Hibernieque primas, dominus Canc. Hibernie.
Rollandus Cassiliensis archiepiscopus.
Christophorus Tuamensis archiepiscopus.
Willielmus Midensis episcopus.
Patricius Waterfordensis et Lysmorensis episcopus.
Rogerus Corcagensis et Clonensis episcopus.
Alexander Fernensis episcopus.
Thomas Darensis episcopus.
Thomas Leghlinensis episcopus.
Johannes Ossoriensis episcopus.
[ ] Imolacensis episcopus.
Hugo Lymericensis episcopus.
Rollandus Clonfertensis et Elphinensis episcopus.
Eugenius Dunensis episcopus.
Episcopus Rossensis.
Episcopus Laonensis.
Episcopus Coranensis.
Episcopus Aladenensis.
Episcopus Artfertensis.
Episcopus Ardacadensis.

Domini Temporales.

Thomas Butler miles, comes Ormond. et Ossorie, sub-thesaurarius Hibernie.
Geraldus comes Kildarie.
Geraldus comes Dessmonie.
Connacus comes de Tomonie.

Richardus

Richardus comes de Clanricarde.
Jacobus le Barry, dominus de Buttevaunte.
Mauricius Roche, dominus de Ffermoy.
[ ] Breminghame, dominus de Athenry.
[ ] Cursy, dominus de Kynsale.
Jenico Preston, vicecomes de Gormanston.
Rollandus Eustace, vicecomes de Baltinglas.
Ricardus Butler miles, vicecomes de Mountgaret.
Ricardus Nugent miles, baro de Delvyn.
Jacobus Flemyng miles, baro de Slane.
Christopherus Plunket, dominus de Killyen.
Christopherus de sancto Laurencio, dominus de Howthe.
Patricius Barnewall miles, dominus de Trimletston.
Thomas Fitz-Morishe baro de Lacksnaway, vulgariter vocatus baro de Kery.
Christopherus Plunket, dominus de Dunsany.
Edmundus Butler, baro de Dunboyne.
Thomas Plunket, baro de Louthe.
Johannes Poer, dominus de Curraghmore.
Bernardus Fitzpatrick baro de Upper-Ossory.

MILITES.

Vicecomes Dublin. milites electi ibidem, Thomas Fitz-willmus de Holmpatricke, et Patricius Ffinglas de Waspellistoun, armigeri.

Vicecomes Midie, milites electi ibidem, Christopherus Chevir, miles, et Patricius Barnewall de Stacallane, armiger.

Vicecomes Westmidie milites electi ibidem, Georgius Stanley miles, et Thomas Nugent, miles.

Vicecomes Louth, milites electi ibidem, Nicholaus Taf de Ballebragane, et Edwardus Dowedall de Glassepistell.

Vicecomes Kildare, milites electi ibidem, Nicholaus Eustace de Cradokeston, et Jacobus Flattisbury de Johnstoun.

Vicecomes Catherlagh, milites electi ibidem, Willielmus Fitz-Williams, miles, et Edmundus Butler, gen.

Vicecomes Kilken. milites electi ibidem, Nicholaus White et Walterus Gall.

Vicecomes Waterford, milites electi ibidem, Thomas Power de Comshen, et Petrus Aylwarde de Faithlike.

Vicecomes Corck, milites electi ibidem [ ]

Vicecomes

Vicecomes Ker. milites electi ibidem [ ]
Vicecomes Lymeric. milites electi ibidem [ ]
Vicecomes Connacie, milites electi ibidem [ ]
Vicecomes Clar. milites electi ibidem [ ]
Vicecomes Tipperar. milites electi ibidem, Patricius Shereloke et Oliverus Grace.
Vicecomes Wexford, milites electi ibidem, Willielmus Hore de Harperstoun, et Ricardus Synnot de Ballybrenane.
Vicecomes Antrum, milites electi ibidem [ ]
Vicecomes Arde, milites electi ibidem [ ]
Vicecomes Downe, milites electi ibidem [ ]
Vicecomes de le Kinge's countie, milites electi ibidem [ ]
Vicecomes de le Quene's countie, milites electi ibidem [ ]
Major et vicecomites comitatus civitatis Dublin. cives electi ibidem, Jacobus Stanyhurst recordator civitatis predicte, et Robertus Golding, aldermanus.
Major et ballivi civitatis Waterford, cives electi ibidem, Mauricius Wise et Petrus Stronge.
Major et ballivi civitatis Corek, cives electi ibidem, Johannes Miaghe et Stephanus Copynger de eadem, generosi.
Major et ballivi civitatis Lymeric. cives electi ibidem, Clemens Ffannyng et Edwardus Arthure.
Major et vicecomites ville et comitatus de Drogheda, milites electi ibidem, Johannes Weston et Robertus Burnell.
Major et ballivi ville de Gallwy, burgenses electi ibidem, Jonoke Lynce et Petrus Lynce.
Major et ballivi ville de Youghill, burgenses electi ibidem, Johannes Walsche et Johannes Portyngall.
Major ville de Cragfergus, burgenses electi ibidem, Jacobus Wingfelde et Humfredus Waren.
Superior et prepositus ville de Kilkenn. burgenses electi ibidem, Robertus Bethe et Walterus Archer.
Superior et prepositus ville de Kinsale, burgenses electi ibidem, Johannes Alen miles, et Francis Agarde, armiger.
Superior et ballivi ville de Wexford, burgenses electi ibidem, Johannes Hassane et Richardus Talbot.
Superior et prepositus ville de Rosse, burgenses electi ibidem, Nicholaus Heron et Willielmus Dormer, burgenses.
Ballivi ville de Dundalk, burgenses electi ibidem, Xpoferus More et Patricius Stanley, de eadem.

Ballivi ville de Carlingford, burgenses ibidem electi, Henricus Radclief, miles, et Johannes Neile.

Superior ville de Clonmell, burgenses electi ibidem, Johannes Stridche et Henricus White.

Superior ville de Kilmallock, burgenses electi ibidem [ ]

Superior ville de Fiderth, burgenses electi ibidem, Nicholaus Hacket et Theobaldus Nasshe.

Superior ville de Thomaston, burgenses electi ibidem, Franciscus Cosby et Henricus Cowlye.

Superior ville de Athanry, burgenses electi ibidem, Andreas Browne et Thomas Cusake, miles.

Superior ville de Nase, burgenses electi ibidem, Henricus Draicot et Johannes Sherlocke.

Superior ville de Kildare, burgenses electi ibidem, Johannes Abelles et Johannes More.

Superior ville de Kelles, burgenses electi ibidem, Thomas Shiele et Nicholaus Ledwiche.

Prepositus ville de Tryme, burgenses electi ibidem, Johannes Parker, armiger, et Patricius Martell.

Prepositus ville de Athboy, burgenses electi ibidem, Michael More et Jacobus Blake.

Prepositus ville de Navan, burgenses electi ibidem, Patricius Waring et Johannes [y] de eadem.

Prepositus ville de Athird, burgenses electi ibidem, Walterus Dowdall et Walterus Babe.

Prepositus ville de Molyngear, burgenses electi ibidem, Nicholaus Casy et Jacobus Relyng, de eadem.

Prepositus ville de Athie, burgenses electi ibidem, R [ ] Mothill et Rolandus Cussyn.

[p] de Dungarvan, burgenses electi ibidem, Henricus Gyfford, armiger, Johannes Chellyner.

No. III.

p Twenty-nine cities and boroughs are here enumerated; and all, except Kilmallock, appear to have returned members to this Parliament of 2° Eliz.

No. III.

The reasons given for introducing the preceding Parliamentary list, have also induced the insertion of the following, taken from the original record preserved in the same repository.

The lordes spirituall and temporall, counties, cytties, and borough-townes, as are answerable to the Parlyament in this realme of Ireland; and souche as weare sommoned unto the Parlyament holden before the right honorable Sir John Perrot, knyght, Lord Deputie Generall of the realme of Ireland, xxvi°. die Aprilis, anno regni Regine nostre Elizabeth, vicesimo septimo. A. D. 1585.

Spirituall Lords.

The Prymate of Armaghe.
The Archbusshopp of Dublin.
The Archbusshopp of Casshell and Imoly.
The Archbusshopp of Tome.
The Busshopp of Mieth and Clonvicknoysh.
The Busshopp of Kildare.
The Busshopp of Ossory.
The Busshopp of Ffernes.
The Busshopp of Waterford and Lysmore.
The Busshopp of Cork and Clone.
The Busshopp of Lymerik.
The Busshopp of Clonfert.
The Busshopp of Downe and Conneren.
The Busshopp of Elphyne.
The Busshopp of Duanen.
The Busshopp of Leighlen.
The Busshopp of Ross Carbry.
The Busshopp of Killalowe.
The Busshopp of Conaren.
The Busshopp of Aladenen.
The Busshopp of Ardferten.
The Busshopp of Ardaghen.
The Busshopp of Dromoren.

The Busshopp of Rapoten.
The Busshopp of Cloghronen.
The Busshopp of Cluanen[q].

TEMPORALL LORDES.

The Earle of Kildare.
The Earle of Ormond and Ossory.
The Earle of Tyreone[r].
The Earle of Clanricard.
The Earle of Tomond.
The Earle of Clancare.
The Viscount Buttyvant.
The Viscount of Ffermoy.
The Viscount of Gormanston.
The Viscount of Mountgarrett.
The Lord Bermyngham of Athynry.
The Lord Coursy.
The Lord of Slane.
The Lord of Delvyne.
The Lord of Killen.
The Lord of Howth.
The Lord of Donsany.
The Lord of Trymleteston.
The Lord of Donboyne.
The Lord of Upper Ossory.
The Lord of Louth.
The Lord of Curraghmore.
† The Lord of Donganyne[s].
The Lord of Inchecoyne.
The Lord Burck of Conell.
The Lord of Cahir.

SHIRES

[q] Here there are twenty-two bishops; Cox, in his history, states that only twenty attended this Parliament.

[r] This peer interlined.

[s] This peer is thus † marked. He is not included in the members of the upper house, enumerated by Cox, vol. i. p. 383.

Shires or Counties.

The County of Dublin.—Ric. Nettervile, Henrie Burnell.
The County of Mieth.—Ric. Barnwall and Jo. Nettervill.
County of Kildare.—William Sutton and Thomas Fitzmoric.
County of Westmyth.—Ed. Nugent de Disert and Ed. Nugent de Morton.
County of Wexford.—Mathew Fitz-Henry, Robert Codd.
County of Louth.—Roger Gerlone and Will. More.
County of Catherlagh.—Sir Henry Wallopp and Gal. Ffenton.
County of Kilkenny.—Gera. Banchvile, Robert Roth.
County of Tipperary.—Ja. Butler, Red. Everard.
County Crossie Tipperary.—Ric. Archbold, Ed. Prindergast.
County of Waterford.—Ric. Ailward and Ja. Sherloke.
County of Corcke.—John Norries, lord president, and Will. Cogan, Jo. Fitz-Edmond.
County of Kery.—Jo. Fitzgerald, Thomas Springe.
County of Lymeryck.—Thomas Norris, Ric. Bourke.
County of Clare.—Sir Tir. O'Brene and Boetius Clanchy.
County of Downe.—Sir Nicholas Bagnell and Sir Hugh Magennis, knights.
County of Antrym.—Ed. Berkly and Sha. M'Brien (ab).
Kinge's County.—Georg Bourchier, knight, and He. Waringe.
Quene's County.—Warham Sentleger, Robert Harpoll.
County of Longford.—Ffaghny O'Fferrall and William O'Fferrall.
County of Galwey.—Tho. le Straunge and Ffraunc. Shane.
County of Maio.—Tho. Williams et John Brown (ab).
County of Roscoman.—Sir Ric. Bungham and Tho. Dillon (ab).
County of Slygagh.—Sir Valantyn Browne, Ja. Crofton, Jo. Marbury.
County of Ffernes.—Tho. Masterson and Ric. Synnot.
County of Wyckloe.—Edward Brabazon, Sir Henry Harrington.
County of Cavan.—Phillip O'Reyly, Edmond O'Reyly.

Cytties.

Dublin.—George Taylor and Nicholas Ball.
Waterford.—Sir Pa. Walsh, Nicholas Walshe.
Corck.—John Miagh, Tho. Sharsfeld.
Lymeryck.—Tho. Arthur, Ste. White.

Boroughe Townes.

1. Drogheda.—Jo. Barnewall, Peter Nugent.
2. Galway.—Peter Lynch and Ja. Lynche.
3. Knockfergus.—[ ]
4. Yoghill.—Tho. Copenger and Jas. Collen [ ]
5. Kilkenny.—John Roch and Ellice Shee.
6. Wexford.—Pa. Ffurlong and Pa. Talbot.
7. Rosse.—Jasper Duff and William Bennet.
8. Downe [ ]
9. Kynsale.—Ja. Galwey, Phi. Roch.
10. Dondalk.—Ric. Bellewe, Tho. Bath, John Moore.
11. Trym.—Mo. Hamon, Tho. Gwire.
12. Casshell.—Denise Conwy, Pa. Kerny.
13. Ffethard.—[ ] Nash and Da. Wale.
14. Clonmell.—Galfrid. White and John Bray.
15. Kilmallock.—Jo. Verdon and Tho. Hurly.
16. Thomaston.—Wa. Sherloke, Rob. Porte.
17. Le Naas.—James Sherloke and Walter Lewes.
18. Enestyock.—David Power and Robert Archdeacon.
19. Kildare.—John Wesly et William Shirgold.
20. Molyngarr.—Redmond Pettite and Richard Casy.
21. Athynry.—Will. Brown, Ni. Lynch.
22. Carlingford.—Rice Ap Hugh, Ro. Neil.
23. Navan.—Tho. Wakely and Tho. Waringe.
24. Athboy.—William Brown and Patrick Terrell.
25. Kenles.—Tho. Ffleminge and Ni. Dax.
26. Athirdy.—Ri. Barnewall and John Dowdall.
27. Dengenechoyshe.—Thomas Trant and James Trant.
28. Dongarvan.—[*names obliterated*].
29. Callan.—Gerald Quemerford and Edward Branan.
30. Phillippeston.—Jo. Ffrehan and Edw. Williams.
31. Maryborough.—[*names obliterated*].
32.[5] Swerdes.—[*names obliterated*].

Orders

[5] Thirty-six cities and boroughs are here enumerated, whereof two, viz., Knockfergus and Downe, made no returns. Cox was, therefore, erroneous in stating, vol. i. p. 383, that only twenty-six cities and boroughs returned members to this parliament of A. D. 1585.

Orders to be kept and observed in the lower or comen Howse of Parlyament[t].

Ffirst, that every knyght, cyttizen, and burgesse, at his entre into the howse, make his dutyfull and humble obeisance, and after to take his place.

Item, that every knyght, cyttizen, and burges, during the tyme of his abode in the said howse, be apparayled in his gowne, having no armor nor weapon about him.

Itm, eche knyght, cyttizen and burges, in uttering his mynd to any bill, to use and frame his speache after a quyet and curtyous maner, without any taunts or wordes tendyng to the reproche of any person in this said howse assembled.

Itm, as eche person, here assembled, hath graunted unto hym free libertie of speach, in declaryng his mynd and opynion to eche matter proponed, so likewise he is to speake but ones to every reading of any bill.

Itm, if any offend or mysbehave hymself in this howse, his punyshment ys to be consydered of, and assygned by the speaker, with thadvise and assent of the residue of the howse.

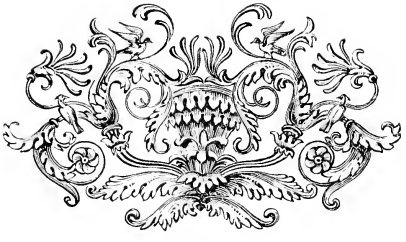
Itm, that no cyttizen, knyght or burges of this howse absent or departe from the same, ether for cause of sicknes or otherwise, without notice given to the speaker, and lycence had, and such lycence to be recorded.

Itm, any knyght, cyttizen, or burges mynding to speek to any bill, most, duryng the tyme of the said speche, stand and remayne uncovered.

Itm, no knyght, cyttizen, or burges disclose the secretes, ether spocken or done in this said howse, to any stranger not being of the same howse, under payne of souche punyshment, as by the speeker, with thassent of the residue of the howse, shalbe lymyted.

Itm, yf during the tyme of parlyament, any of this howse, his servantes or goods, be sued, arested or vexed, contrary to the auncient customes in souche cases used, the speaker ys, upon informacon thereof to hym gyven, to send the serjant at armes to souche courte, to declare the person so troubled to be of the parlyament, and therupon requyring the officers thereof to stay in further proceading therin; whiche, being dysobeyed, the party or officer so doyng ys by auctoritie from the speaker, to be sent for, and to be imprysoned, and receive punyshment, according the discreeyon of the howse, to be assigned and laid downe.

[t] These orders are endorsed on the preceding list of the Parliament of A. D. 1585.



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